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EUNUCHISM

DISPLAY'D.

Describing all the different Sorts of

EUNUCHS;

THE

Esteem they have met with in the World, and how they came to be made so. Wherein principally is examin'd, whether they are capable of Marriage, and if they ought to be suffer'd to enter into that State.

The whole confirm'd by the Authority of Civil, Canon, and Common Law, and illustrated with many remarkable Cases by way of Precedent.

Also a Comparison between Signior Nicolini and the Three celebrated EUNUCHS now at Rome, viz. Pasqualini, Pauluccio, and Jeronimo (or Momo): With several Observations on Modern EUNUCHS.

Occasion'd by a young Lady's falling in Love with Nicolini, who sung in the Opera at the Hay-Market, and to whom she had like to have been Married.

Written by a Person of HONOUR.

*There are, who in soft Eunuchs place their Bliss,
And shun the Scrubbing of a bearded Kiss.*

Dryden's Juv.

L O N D O N :

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EUWUCHISM

DISSEMINATION

The design all the different sorts of

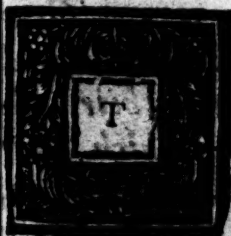
EUWUCHISM



827



THE PREFACE.



THE Motives that engaged me to write the ensuing Treatise were very singular. It is not long, since we saw several Italian Eunuchs (Masters of Musick) who made a very great Figure, as they might very well do, getting such considerable Sums of Money from those who they could not have imagined, were indeed

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with

with so little Reflection, till they had happily experienced it.

These unexpected Favours, puffed them up with a Vanity which is ever peculiar to Eunuchs, and some of them had got it into their Heads, that truly the Ladies were in Love with them, and fondly flattered themselves with mighty Conquests. But alas! our Ladies have not so little natural Philosophy, but they know how to make a just Distinction, and have too fine a Gout, to be satisfied with meer Shadow and Out-side.

I cannot better display the Vanity of these Persons, than in the Words of Monsieur de Montpinsson, who was a Gentleman of a gay and pleasant Genius, and plainly shewed how much he was their Admirer in the following Verses, which have so much of the fine double Entendre, and Delicacy of Turn, that I am not ashamed to own my Incapacity of making them speak tolerable English.

THE PREFACE.

Je connois plus d'Un Fanfaron
A Crête & Mine fiere,
Bien dignes de porter le Nom
De la Chaponardiere.

Crête aujourd'hui ne suffit pas
Et le plus simples Filles
De la Crête font peu de cas
Sans autres Beatilles,

But notwithstanding this fine Raillery of Monsieur de Montpinsson, it is certain, there has been an Exception to the General Rule; for one of these Singers, it seems, with his fine Songs and Address, had so far engaged a young LADY of a considerable Fortune, that she began to yield to Propositions of Marriage, which the Signor had the Modesty to make to her, and who probably might have carried his Point, had it not been happily prevented, by the Care and Vigilance of a Relation, whose quick Judgment and Penetration soon discovered that Affair. He communicated the Matter to me, and desired I would give him what Assistance I could in Writing, which he might make

use of, from time to time, as Occasion should offer, to hinder what both he and his Lady called such a Marriage which could not but be attended with dismal Consequences.

I had too much Value and Respect for that Gentleman and his Lady, to deny what he desired, and set about a Work with Pleasure, which insensibly exceeded the Brevity I at first proposed; for when I came to peruse the loose Sheets I had sent him from time to time, as I had written them, I found they swelled into a Book, which appear'd in the Form it now wears. I am pleas'd it had the desired Success, and would willingly soon after have publish'd it, that it might likewise be serviceable to others, to avoid such unwary Engagements with those, who are absolutely incapable to answer the End of Marriage, and whose Intentions can only terminate in sordid Interest, downright Money; but I could never prevail till now; I therefore present it to the Publick, and doubt not but the Curious will find something that may please them; for as the Subject is very singular,

so

so without *Vanity*, I may venture to say I have treated it after no disagreeable manner, and perhaps, in the End, it may be found as *Instructive* as *Diverting*.

I know of none that it can possibly offend but the *Scrupulous*, who perhaps may think it the *Work* of an *Idle Person* who had little to do, rather than of One that was curious, and studied for *Instruction*, and may say, as *St. Jerom* did to *Vitalis*, when he consulted him about the *Extraordinary Pre-maturity* of *King Ahaz*, *Hujusmodi harere questionibus non tam Studiosi quam otiosi Hominis esse videntur*. It was therefore necessary to prevent or undeceive such People; for the *Examination* of this *Matter* was desired of me for those very good and substantial Reasons I before observed.

Not that I think I should have done ill (had I not had those *Obligations*) to have diverted my self after this manner, and interspersed my serious *Studies*, with what might give some *Relaxation* to my *Spirits*, (were there nothing more) in treat-

ing of Subjects of this Nature. The learned Mollerus has put out a Book which has for its Title, Discursus duo Philologico-Juridici, prior de Cornutis, posterior de Hermaphoditis eorumq; Jure, uterq; ex Jure Divino, Canonico, Civili, variisq; Historiarum Monumentis, horis otiosis congesti à M. Jacobo Mollero. And that Work has done no Discredit to the Author, nor lessen'd the Esteem which the Publick had for him.

It is somewhat Difficult, I must confess, to talk of Eunuchs, without saying something that may shock the Modesty of the Fair Sex. But in respect of the Author, it can no way be wrong in him, and he is satisfy'd his Book has in it none of those broad Expressions as are so frequent in the Priapeia; a Work, on which no less a Man than Joseph Scaliger, one of the greatest and famous Writers of these latter Ages, has taken the Pains to make Annotations and Comments without lessening his Reputation: And in Respect of the Ladies, such care is taken, that when

The PREFACE. 21

when any thing must be expressed freely, and in its natural Terms, it is always in Latin, a Language they are generally unacquainted with.

But were it so that a Man was necessitated to speak in such plain Terms as might put them to the Blush, would it thence follow that one must refrain discussing a Point of so great Importance, even to them, and leave Matters in Doubt and Confusion? If this way of Reasoning had taken place heretofore, several Persons must have perished, and Mankind in general have suffered; and we had been deprived of many an excellent Treatise of Physick and Surgery, so beneficial to the World, if the plain Truth must not have been spoken, and the Parts of Human Bodies called by their proper Names, because, truly, it is Immodest.

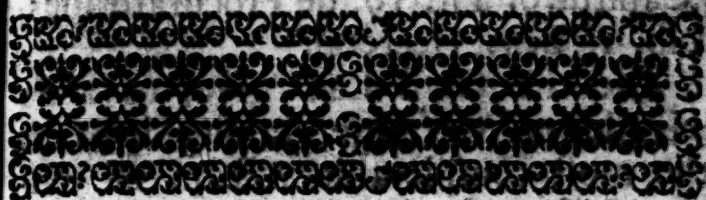
But, to go no farther, Do not all Judges both Spiritual and Temporal expect that the naked Truth be spoken in all Cases that they are to hear and determine? The Serenity of a Bishop is not shocked at hearing

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hearing Rem in Re, nor the Gravity of a Chief-Justice at a Spade's being called a Spade. Woman you must speak out in plain English (said the late Incomparable Lord Chief Justice Holt, to a Wench that had sworn a Rape against a young Fellow) that the Court, and the Gentlemen of the Jury may understand you; You must not mince the matter, but call Things by their proper Names, you must call a SPADE, a SPADE, and not a P—— a Thing, nor a C—— a Colly-Flower.



THE



THE DESIGN and DIVISION OF THIS WORK.

THE Canon Law, treating
of those Marriages which
are contracted by Proxy,
gives the greatest Precau-
tions imaginable, which
are founded upon this Reason, because
(says the Law) it is a very grave Affair,
very difficult and important, and
which may have very dangerous Con-
sequences. *Propter magnum quod ex
facto tam arduo posset periculum imminere.*

[Ca-

[Capitul. 9. Tit. 19. de Procuratoribus, Lib. 1. Sexti Decretal.]

And the Civil Law gives us a no less Idea of Marriage, taking it to be the most considerable Action of human Life, and what requires the greatest Thought and Reflexion; that it is either a happy and secure Haven, or a miserable Shipwreck; a Thing exceedingly dangerous, where all human Prudence generally is reduced to Wishes and Desires, though it be very excellent in it self, and the Gift of God, as that Law likewise declares in these Words, *Magnum sane Excellensq; Donum a Deo Creatore ad Mortales promanavit Matrimonium.* [Imperat. Leonis Constitut. 26 in princip.]

Marriage being then the Gift of God, and his Work who has united thereby the two Sexes, and who considering that it was not good that the Man should be alone, gave him a Help-met, and commanded them both to *Increase and Multiply*, and imprinted in them an eager desire to unite themselves together for the Propagation of their

their Species. This Union therefore ought by no means to be casual or in common, like that of Beasts (which have no Understanding) neither ought the End of it to be, that a Man might thereby more securely enjoy his impure Pleasures, and cover them over with a specious and honourable Title; But it ought to be a Conjunction, Chast, Religious, and Holy, full of Piety and heavenly Benediction, having for its end only to execute the Command of God, who is its Author and Protector. The Church approves and authorizes only these last sorts of Marriages, which are ever attended with the publick Favour and Applause; while the former are sure to meet with a general Hatred and Contempt, and are even the aversion and horror of all Good Men.

On the other hand, as Marriage is the Foundation of the Church, being as some Divines call it, *Venter Ecclesie*, which brings forth her Children. [Novel 21. Tit. 1. de Nuptiis. In præfat.] as it is also of Civil Society, since it is the

the Source or Fountain of Men, and which gives lawful Heirs to People of all States and Conditions. It must not be wonder'd that both the Church and Civil Powers so far interest themselves in a matter of so great Concernment and Importance, as to prescribe Rules for its happy Beginning, Progress, and its Consequences, and wisely provide against those Inconveniencies which might arise through the Ignorance or Malice of Men.

The Church and Civil Government then do not leave every Body to do what they will in relation to Marriage, for they say that in these Unions, People must always consider, not only what may be done purely by favour of the Letter of the Law, but likewise what may suit with the Rules of strict Honour and Honesty. *Semper in Conjunctionibus non solum quid liceat considerandum est, sed & quid honestum sit.* [Lib. 197. de diversis Regul. Jur.]

They do not suffer any attempt in this kind which may anywise affect or glance at Common Justice and Order,
and

and the publick Good, Honour and Advantage. They have establish'd Laws to declare them good or bad, just or unjust, lawful or criminal; to suffer or forbid them, to confirm, authorize and protect them, or to dissolve and annul them, and punish those who have contracted them.

Now what I propose in this Treatise, is to see amongst what kind or sort of Marriages we must place those of *Eunuchs*. This then is the general Plan I design to follow, to make a full *Ecclaircissement* (as the *French* call it in this Matter) and regulate it by a Decision certain and incontestable. This Treatise then shall be divided into Three Parts.

1. In the First, I shall examine what an *Eunuch* is, and how many Sorts of *Eunuchs* there are, what Rank they have held, and do now hold in Ecclesiastical and Civil Society, and what Consideration Men have had, and actually now have for them.

2. In

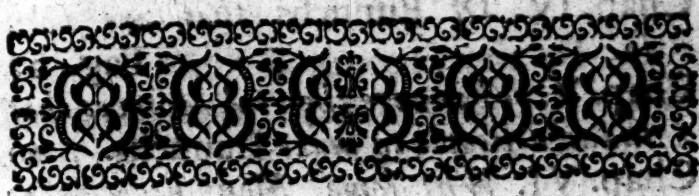
xviii *The Design of this Work.*

2. In the Second, I shall examine what Right they have to marry, and whether they ought to be suffer'd to enter into that State? And,

3. In the Third, I shall endeavour to solve all Difficulties and Objections which can be brought against those Maxims and Decisions I have advanc'd and establish'd in this Treatise.



1. In the First, I shall examine what an Estate is, and how many Sorts of Branches there are, what Rank they have held, and do now hold in Ecclesiastical and Civil Society, and what Consideration Men have had, and what they now have for them.



A
T A B L E
O F T H E
C H A P T E R S
Contain'd in this
T R E A T I S E

P A R T I.

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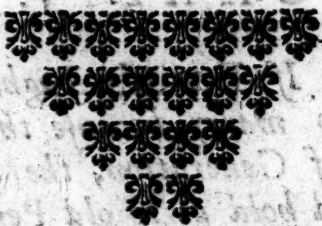
C H A P. V.

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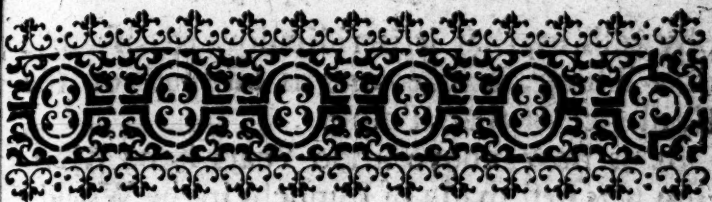
C H A P.

CHAP. VI.

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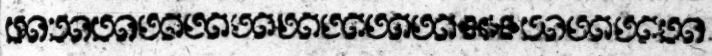


Eunuchism

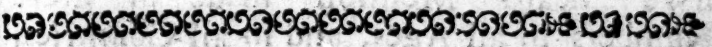


EUNUCHISM

DISPLAY'D.



Part the First.



CHAP. I.

Whether in Reality there are such Things as Eunuchs in the World, and how long there have been so.



BEFORE I undertake to give a particular Description or Definition of an Eunuch, and enter into any Discourse upon the Subject Matter of this Work, according to the Rules of good Order and Method, I ought to shew that there *really* are such Things in Being as Eunuchs, for Philo-
B phy

phy tells us, that it is ridiculous to discourse of a Thing, before one is satisfied of the Existence of that Thing.

It is now above 4000 Years since Mention was first made of Eunuchs in the World; both Sacred and Prophane History take notice of an Infinity of these Sort of People, which were looked upon by the Ancients to be neither Men nor Women, but were called a third Sort of Men; *Tertia Hominum Species*: which, bating the Un-Philosophicalness of the Expression, gives us no ill Idea of the Value and Esteem People had for Eunuchs in former Times. We have heard Mention made of great Numbers in all Ages, and in all Countries, and therefore we have no reason to doubt that there have been such People in the World, and that there are to this very Day.

Most of the Learned believe, that *Semiramis* Queen of the *Affyrians*, Widow to *Ninus*, and Mother to *Nynias*, was the first that introduced this kind of Mutilation; and they ground their Opinion on the Authority of *Ammianus Marcellinus*, who in the 6th Chap. of his 14th Book, taking Occasion to discourse of this Queen, gives us to understand, that there were Multitudes of Eunuchs in her time, that they looked pale, and wan, and deformed, all their Features and Lineaments distorted, and that
when

when ever any one went abroad, and saw whole Herds of these mutilated and maimed Wretches, he could not but detest the Memory of *Semiramis*, that old Queen, who first of all made young Boys undergo Castration: His Words are these, *Multitudo Spadonum a Senibus in pueros desinens, oblucidi, distortaq; lineamentorum Compage deformes ut quaqu inceserit quisquam cernens mutilorum Hominum agmina detestatur Memoriam Semiramidis Reginae illius Veteris, quæ teneros Mares castravit Omnium Prima.* And * *Claudian* seems to be of the same Opinion.

However, *Diodorus Siculus*, who wrote the History of *Semiramis* with greater Exactness and Care than any one besides, (and which is in his *Bibliotheca*) takes no manner of notice of this Particular, which undoubtedly would have been worth his Observation, had it been certainly true. All that he says, is only this, that the *Bactrians* with whom *Ninus* (afterwards her Husband) was at War having routed and put to flight the *Assyrians*, she dressed herself in a long Vest like a Man,

* — *Seu primâ Semiramis astu
Assyriis mentita Virum, ne voces acute
Mollities, levesq; genæ se prodere possent
Hos sibi conjunxit similes, seu persica ferro
Luxuries vetuit nasci. lanuginis Umbram.*

In Eutrop. Lib. c. i. v. 339.

rally'd the broken Troops, put herself at the Head of them, and obtain'd a complete Victory over the *Bactrians*. Now whether this Vest pleas'd the *Median* and *Persian* Ladies, or whether they had a Mind to make their Court to *Semiramis*, it is certain they wore it, and perhaps this Dress gave Birth to those Reports, that *Semiramis* had made imperfect Men, half-Men, and so on, till at last it was conjectured, that she effectually made People undergo the cruel Ceremony of Castration.

* Others say, that she dress'd herself in Man's Cloaths, and brought her Son up like a Girl, on purpose, least the *Assyrians* grown ashamed of being govern'd by a Woman, might set her Son upon the Throne to her Prejudice. || Others somewhat differing in Opinion, will have it, that her Son being of the same Size, and having a Voice exactly like her own, she put herself in Man's Cloaths; and to secure herself the Government, gave it out, that she was Son to *Ninus*, and not his Widow. And † others again say, that being told as she was dressing her Head, that *Babylon* had revolted, she ran in all haste with her Hair about her

* *Christopheri Helvici Theatrum Historicum*, pag. 5.

|| *St. Renmald Tresor. Chronol. & Histor. fol. Tom. 1. pag. 79.*

† *Valer. Max. Lib. 9. Ch. 3. Art. 13.*

Shoulders to force that powerful City to return to their Duty, and that she did not bind up her Hair, till such time as she effectually reduced the *Babylonians* to their Obedience; and that on Account of this Action, her Statue was erected at *Babylon*, with much Honour and Ceremony, and represented her in a hasty Posture, with her Hair about her Shoulders, as when she undertook that Expedition; which together with her Vest, made her look still more like a Man.

Diodorus Siculus reports another Circumstance, which is no less considerable: He says, that this Queen, who from a very low Condition, came to the highest Degree of Human Glory, abandoned her self to all manner of Pleasures, and made choice of the handsomest and best proportion'd Men of her Army to serve her, but that all those who were admitted to her Bed, were afterwards put to Death by her Order. But it is more probable, that she had them made Eunuchs through an Effect of Jealousie, least after having received from her the greatest Favours, they should go and have Engagements with other Women. *Diodorus Siculus* does not say this, but as he writes after *Cresias*, as he himself owns; and *Cresias* is an Historian, who not content to abuse those who lived in the same Age with himself, had also an Inclination to impose his Fables on Posterity. One cannot give much

Credit to what he says, nor believe what he omits as false. *Semiramis* then may very well pass for the first that ever made Eunuchs.

* *Vossius* is of Opinion that the *Persians* were the Inventors of this wicked and detestable Custom, and that the Latin Word *Spado*, which comprehends several Sorts of Eunuchs, was taken from a Village of *Persia* called *Spada*, where he fancies the first Execution of this Nature was made, and corroborates his Sentiments by the Opinions of several learned Persons of the first Rank, whom he quotes for that very Purpose. I shall not pretend to determine this Controversy which has engaged so many famous Writers on both Sides, whose several Opinions have so much Probability, that it would be a very difficult Matter to decide it. *Non nostrum inter has tantos componere lites & Vitulo hi digni & illi.* I shall only say, that the first Eunuch mentioned in the Holy Scriptures was *Putiphar* or *Potiphar*, who bought *Joseph* from the *Midianites*; and yet if we make a little Reflection, we shall find, that this Word Eunuch was then no new Thing, since at that time it signified an Office, or Charge of high Dignity and Honour. Now *Potiphar*

* *Etymologicon Linguae Latinae.*

bought *Joseph* in the Year of the World 2276, which is 1778 Years before the Incarnation of *Jesus Christ*; and *Cyrus* did not begin to reign over the *Persians* till the Year of the World 3421; by which it evidently appears, that there was mention made of Eunuchs long before the *Persians* had any Being, and therefore they could not possibly be the Fathers of that Sort of People, for then *Filius ante Patrem* (which, preposterous and absurd) would be true. But this cannot be said of *Semiramis*, who reigned over the *Assyrians* in the Year of the World 1826, a long time before *Potiphar* was born. Though it is certain, that the *Persians*, *Medes*, and *Assyrians*, made use of Eunuchs in their Service more than any other People in the World. And it is observed, by no less a Man than *Josephus*, * that *Nebuchadnezzar* caus'd all the *Jews*, and all other Prisoners of War, to be geld or cut, that he might have none to attend him in his private Service but Eunuchs. || And perhaps this gave occasion to some learned Persons to believe, that the *Persians* were the Inventors of *Eunuchism*, as may be seen in *St. Augustin's Book de Civitate Dei*.

* *Joseph. Antiquit. Judaic. Lib. 10. Chap. 16.*

|| *St. August. de Civit. Dei. Tom. 1. pag. 603.*

C H A P. II.

What an Eunuch is.

Lucian in his Dialogue of *Eunuchs*, gives a very short Definition of them. He says that an Eunuch is neither Male nor Female, but a Prodigy in Nature. This Definition of *Lucian* is too general, it ought to have been more exact, that it might have given us a particular Notion or Idea of what he designed to define. Let us see if we can give a better.

An Eunuch then is a Person which has not the Faculty or Power of Generation, either through Weakness or Coldness of Nature, or who is any wise deprived of the Parts proper to Generation. In short, Eunuchs are such, *Qui generare non possunt*, as the Civil * Law expresses it. Such who can by no means propagate and generate, who have a squealing languishing Voice, a Womanish Complexion, and a soft Down for a Beard, who have no Courage or Bravery of Soul, but ever timorous and fearful: In a few Words, whose Ways, Manners, and Customs, are entirely effeminate.

* *Lib. 2. Sect. 1. ff. de Adoptionibus.*

But if an Eunuch was thought to be such a wretched despicable Thing, in regard of his Body, much more was he in respect of his Mind. Let us see what St. *Basil* in the Primitive Church thought of Eunuchs.

Simplicia was a Woman entirely infected with the *Arian* Heresy, and took upon her to censure and reproach that Holy Person with his Conduct and Manners; which he justifies, and calls to Witness all the World that knew him, except some Eunuchs whose Testimony he absolutely refused, and of whom he drew this frightful Picture. I make use of the 117th Letter, in the *French* Translation of the Epistles of St. *Basil*, by Monsieur *L'Abbè de Bellegarde*, where I find St. *Basil* speaking after this manner. " If you
 " want Witnesses, (says he) do not produce
 " Slaves or miserable Eunuchs, an abominable
 " Tribe, who are past the Sense of Honour, who are neither Men nor Women,
 " whom the Love of the Sex has rendered
 " mad and furious. They are jealous, despicable, fierce, effeminate, Gluttons, covetous, cruel, inconstant, suspicious, furious, insatiable. They cry (like Children) if they are left out of an Entertainment; and to say all in one Word, they
 " are condemned to the Knife as soon as born, and from such crooked Wretches
 " must we expect an upright Mind? The
 " Knife indeed has made them chaste, but

“ this Chastity is of no Service to them,
 “ their Lust makes them furious, which yet
 “ is impotent, sterile, and unfruitful. Thus
 far *St Basil*.

Perhaps this Description may be thought to be too sharp and Satyrical, as proceeding from a Person who was highly angered and provok'd, and consequently ought to be suspected; but I shall instance one, whose Testimony can by no means be liable to suspicion, being a Person entirely disinterested, who not only confirms this Description, but also adds new Circumstances which make Eunuchs a yet more frightful and horrid, and this is *Ammianus Marcellinus*, who in his 16th Book, Chap. 7. says, “ That when
 “ *Numa Pompilius*, and *Socrates* said any thing
 “ that was good of an Eunuch, no Body
 “ believed them, for they thought they told
 “ nothing but a Company of Lies. *Ed re*
 “ *quod si Numa Pompilius vel Socrates bona*
 “ *quadam dicerent de spadone dictisq; Religio-*
 “ *num adderent fidem à veritate describisse ar-*
 “ *guerentur.* It is true, towards the End of the same Chapter, he excepts *Menophilus*, Eunuch to *Mitbridates*, King of *Pontus*, whom he speaks well of. It is also certain, there have been some others besides *Menophilus*, who have deserved the World's Esteem, as *Favorinus* *Mardonius Eutherius* (who was first Eunuch to the Emperor *Constantin*, and afterwards to the Apostate *Julian*;) and
 Her-

Hermias, whom for his excellent Qualities, *Aristotle* looked upon as a God, and accordingly offered him Sacrifice and Divine Honours, but above all the Prophet *Daniel* and his Companions (supposing them to be Eunuchs, as some Interpreters of the Holy Scriptures have believed) But their Number has been always very small, and not sufficient to counterballance the general Opinion of Mankind; and one may say of Eunuchs the same that is usually said of Bastards, that for the most part they are very bad, but that sometimes we may chance to find one that may prove good for something. And as *Ammianus Marcellinus* in the same Chapter says, *Inter Vepres rosa nascuntur, & inter feras nonnullae mitescunt.* Roses grow amongst Thorns, and some wild Beasts grow tame.

Theodorus, who was Preceptor to the Emperor *Constantine*, surnamed *Porphyrogenitus*, undertook an odd and whimsical Work, and wrote a Treatise which he called *An Apology for Eunuchism and Eunuchs*; but the World looked upon that Performance after the same manner, as we do the *Praise of Busris*, written by *Isocrates*, and that of *Nero* and the *Gout* by *Cardan*; or the *Praise of Poverty* by *Synesius*, *Blindness* by *Passerat*, and of *Ugliness and the Quartan Ague* by *Favorinus*. *Previcelli* wrote in *Praise of the Plague*; *Balib. Schuppius* in *Honour of War*. *Glaucon* of *Injustice*,

justice, and *Erasmus* an *Encomium* on Folly, *Lucian* prais'd Drunkenness, *Heinsius* the *Ass* and *Vermine*. *Schuppius*, *Passerat* and *Duverdier* the Younger, wrote in the *Praise* of Nothing, and we have seen *La Magnifique Doxologie du Fétu*, by *Sebastian Rouillard*.

These Authors undertook to write in Praise of what all the World else blam'd, ridicul'd, and despis'd; they did it to shew their Wits, and fancied by that singularity, they should excite the Curiosity and Admiration of their Readers. But for all that, not one of those Treatises made any Converts, or those Subjects they treated of ever the more lawful or commendable; and the Book which has for its Title *Page de Multribus*, printed at *Oenoztyhople*, and sold at the Sign of *Dionysius Bacchus*, has given little Authority to the Rights and Privileges of Drunkards, which it has displayed with the utmost Pomp and Exactness.

But as no one by reading these Treatises can imagine the Authors had any thing else in view than to show the Caprice of their Wits, or intended that Men should be sincerely convinced of the Truth of what they published in their Writings, so will the World in the same manner, regard the Performance of *Theodorus*, who surely very well employ'd his Talents, to make Apologies for *Eunuchism*, that ridiculous, unjust and barbarous Practice, which every one that is sincerely
a Chri

a Christian, detests and abhors, and would if Occasion offered use the Words of Seneca, * *Principes viri* (says he) *contra naturam divitias suas exercent, excisorum greges habent, exoletos suos, ut ad longiorum patientiam Impudicitia idonei sint, & quia ipsos pudet Viros esse, id agunt, ut quam pauci viri sint. His nemo succurrit delicatis & formosis debilibus.*

C H A P. III.

How many different Sorts of Eunuchs there are.

WE have been told in the Holy Scripture, from the Mouth of Jesus Christ himself, how many different Sorts there are of Eunuchs, whose Words, according to St. Matthew's Gospel, Chap. 19. v. 12. are as follows, viz. *There are some Eunuchs which are so born from their Mothers Womb; and there are some Eunuchs which were made Eunuchs of Men; and there be Eunuchs which have made themselves Eunuchs for the Kingdom of Heavens sake.* But the Subtilty of Men's Wits, by reason of later Events, have found out more

* *Controvers. 33. Lib. 5.*

particular Distinctions than our Blessed Saviour was pleas'd to make use of.

The Diversity of Questions arising on account of the Marriage of those that were accused of being Eunuchs, and the Restitution of the Marriage Portion, have obliged People very narrowly to examine and discuss the Case of *Eunuchism*; and as there have been found to be different Sorts or Species of Eunuchs, to reduce them accordingly under different Classes. Which (say the Gentlemen of the Robe) are Four,

1. The First is of those which are born so, and these are *absolutely* and *properly* Eunuchs.

2. The Second is of those who either by Force, or by their own Consent, or with their own Hands have been despoiled of all that which makes Man and his Virility; so that they are incapable of doing any Act, and are obliged to let their Urine pass through a Pipe of Metal, which they apply to the Place of that which Nature had given them, and is since cut off; and this Section sometimes happened to People on account of some Distemper, which obliged the Surgeon to perform this Melancholy and dismal Operation; and this was the Case, (as I was credibly informed in *Rome*) of the famous *Pasqualini*, the greatest Master of Vocal Musick in the World, now residing in that City, but with this Difference, that Signor *Pasqualini* was only obliged to part with his

his Testicles, of whom I shall take occasion hereafter, to make further mention in the Body of this Work, amongst other modern Eunuchs, in the 5th Chapter of this 1st Part. But this Sort of Mutilation, was not only practis'd in Cases of Necessity, (as in Distempers otherwise incurable) but also on Persons of sound Health, as we shall see by and by, and was heretofore one of the Functions of a Surgeon, as appears in §. 8. of the 7th Law. *Ad Legem Aquiliam*, and in the beginning of the 8th, under the same Title, and especially in §. 2. of the 4th Law, ff. *ad Legem Corneliam de Sicariis*, where it is expressly forbidden any Surgeons to make such like Operations.

2. The Third Class is of those whose Testicles, by a detestable Art have been made so frigid, as at last quite to disappear and vanish, this is done by cutting the Vein that conveyed their proper Aliment, and Support, which makes them grow lank and flabby, till at last they actually dry up and come to nothing. Another Method was, to take the Testicles quite away at once, and this Operation was commonly effected, by putting the Patient into a Bath of warm Water, to soften and supple the Parts, and make them more tractable; some small time after, they pressed the Jugular Veins, which made the Party so stupid, and insensible, that he fell into a kind of Apoplexy, and then

then the Action could be performed with scarce any Pain at all to the Patient; and this was generally done by the Mother or Nurse in the most tender Infancy. Sometimes they used to give a certain quantity of *Opium* to the Persons designed for Castration, whom they cut while they were in their dead Sleep, and took from them those Parts which Nature took so great Care to form; but as it was observed, that most of those that had been cut after this manner, died by this Narcotick; It was thought more adviseable to practise the Method I just before mentioned: However, it was by this Means, that Miracle of a Voice *Pauluccio*, and the real Wonder of the present World, a *Roman* Eunuch, was against his Will made so, by his own Uncle, (also an Eunuch) as I shall speak of more at large in its proper Place.

The *Persians*, and several other Nations, had a different Method to cut, or make Eunuchs from that practis'd in *Europe*: I say, to make them, for it was not always done by cutting; Hemlock and other Herbs would do it, as we may see in a Book put forth by *Paul Eguiette*, which treats particularly of that Subject, especially the Sixth Book of that curious and learned Treatise. This Third Sort, or Species of Eunuchs, in the Terms of the Law, are called *Tbilibie*, those which are called *Tblasie* are much the same;

the

the only Difference is this, that these latter are made by cutting the Veins that served to strengthen and fortify those Parts; so that though in reality they still remain'd, yet were so soft and flabby as could be of no manner of Use or Service to the Possessor.

4. The Fourth Class is those that are called *Spadones*, who are born with such ill Disposition of Parts, or of so cold and frigid a Temperament, or who have been render'd so, through some Misfortune, that they are incapable of Generation.

But though these Four Sorts or Species are very different from each other, and the last most favourable and less unhappy than the other Three; yet the Learned in the Laws, both Civil and Ecclesiastical, have thought it proper to comprehend them all under the general Term of *Spado*, which indeed is very singular, since it is a Maxim in the Civil Law, that *Denominatio fit a potiori*; and properly speaking, those who are called *Spadones* are not in reality Eunuchs, since by the Force and Help of Nature, or Art, they may possibly be restored to that perfect State Nature at first intended them. Besides * *Specialia generalibus*

* L. 147. de div. reg. Jur.

in sunt. And how under the Name of *Spado*, which is not properly a Eunuch, as I just now observed, they can comprehend those who are *absolutely* so, and in the most rigorous Sense, and who can never hope to be otherwise, is, what I own I do not very well understand; for I think, *Nomina debent esse convenientia Rebus*, as they say themselves, and it is plain, this Name *Spado* does not agree with every Sort or Species of Eunuchs, and consequently one would think, ought not to have been applied as a general Term.

But be that as it will, it is most certain they will have it so, for say they, * *Spadonum generalis appellatio est, quo nomine tam hi qui natura Spadones sunt, item Thlibia Thlasia.* Sed & si quod aliud Genus Spadonum est, continentur.

There are besides these, other sorts of Eunuchs, some who are called so *Catachrestically*, inasmuch as they are in Possession of those high Offices and Places of Honour which originally were given to Eunuchs, and such was *Potiphar* in Egypt, and very probably the Eunuch of *Candace* Queen of *Aethiopia*, whom St. *Philip* baptized, as we read in the 8th Chapter of the *Acts* of the Apostles, which puts me in mind of a cele-

* L. 121. ff. de Verborum significat.

erated verbal Controversy, held some Years ago at *Portsmouth*, between Mr. *Chandler* and Mr. *Russel*, the one a Presbyterian, the other an Anabaptist Minister: the Dispute was concerning the Obligatoriness of Infant Baptism: Mr. *Russel* it seems, whom some People call'd Dr. *Russel*, after a great deal of Discourse of Major, and Minor, and Consequence, (for it seems these Champions affected to dispute in Form, but who was the greater Logician I am not able, nor is it my Business to determine) asked his Antagonist Mr. *Chandler*, if he could prove by express Texts of Scripture any Infant that was baptized, which he knew he could not; that for his Part, he could bring several Instances out of Scripture of Persons of riper Years, and amongst the rest cites this of the Eunuch whom St. *Philip* first instructed, says he, and then baptized. Upon which Mr. *Chandler* thought fit to reply, that in the Term of *all Nations* whom our Saviour gave Commission to the Apostles to Baptize, Children were included, and that the Eunuch might receive from St. *Philip* Commission likewise to Baptize, and accordingly might Baptize his Children; at least, it did not follow he did not from what Mr. *Russel* had said, which set the Auditory a laughing, and was the Diversion of the adverse Party for some Days, yet had the old Gentleman and his People reflected, that

that it was a Custom to call those Eunuchs, who came to possess those Charges and Offices of Honour which were formerly given to none but Eunuchs, they would not have had so much Cause to triumph over poor Mr. *Chandler*, who might have known that Truth was not always attended with Noise and Clamour.

There were besides these, others who were called Eunuchs in a figurative Sense, inasmuch as they kept themselves entirely chaste, and made no more use of their Parts of Virility, than as if they really had none, as we may believe has been sincerely practis'd by some, both of the *Latin* and *Greek* Church, and which likewise may be charitably supposed of some of the Fellows of both our Universities.

But these Sorts of Eunuchs, who were so called, on Account of their Office, or Employment, (whether really so or not) were called by this General Term *Bagoas*; and thus was that Person called, who represented that Eunuch whom *Diocles* would exclude from teaching Philosophy in *Lucian's* Dialogues. There was also a very famous Eunuch of this Name in the Court of *Darius*, who after that Prince's Death, was presented to *Alexander* the Great. He was extremely beautiful, and was as much beloved by *Alexander*, as he was by *Darius*.

Quin-

* *Quintus Curtius* has in several Places in the Life of his Hero, given us the History of this Eunuch, of whom I shall hereafter have occasion to make mention in this Treatise.

The Eunuch of *Holofernes*, General of *Nebuchadnezzar's* Forces at the Siege of *Bethulia*, who was employed by his Lord to dispose *Judith* to pass the Night with him, and who accordingly conducted her into his Pavilion, (though she afterwards carried away his Head) was called *Bagoas*: However, some *Versions*, and amongst others that of *Messieurs de Port Royal*, call him *Vagao*, but this Variation is inconsiderable. Now though this Name was really the proper Name of several particular Eunuchs, yet *Gilbert Cousin* (of whom *Monsieur Baile* has made an Article in his first Tome, P. 974. in his Dictionary) says in the Observation, that he has made upon the Word *Bagoas*, that he finds by *Lucian*, that in barbarous Language, it signifies a Eunuch in general, insinuating, that *Lucian* never would have made use of the Word, had it not been a Term which comprehended under it all Sorts of Eunuchs, as so many *Species* under their *Genus*; and to confirm his Opinion,

* *Lib. 6. Cap. 5. & Lib. 10. Cap. 1.*

quotes this Verse of *Ovid*, out of his 2d
Bood de Tristibus.

Quem Penes est Dominam servandi cura Bagoas.

It is certain, that in the *Babylonish* Language, *Bagoas* signified an Eunuch. There was one also, an Eunuch of that Name, of whom *Plutarch* relates many Things which deserve more our Silence than Curiosity.

Some of the Learned are of Opinion, that this *Bagoas* mentioned by *Lucian*, was a Person who had such an awkward, ungraceful Mien and Carriage, that he was taken for an Eunuch, and not so in reality.

Quintilian also makes mention of a *Bagoas*, but by all appearance, he only made use of that Name, as a Name common to a certain Species of Men, * for he speaks at the same time of *Megabytes* and *Doriphoron*; now it is certain, that *Megabytes* is a Name common to all the Priests of *Diana*, † who were obliged to be Eunuchs on account of their Charge, which was to take Care of those Virgins who were consecrated to that Goddess; and *Doriphoron* signifies a Launce-Bearer. It is true, it likewise signified, that most admirable Statue of a beautiful Youth

* *Plin. Lib. 13. Cap. 4.*

† *Plutarch. in Alexand*
which

which held a Launce in his Hand, and was the inimitable Performance of *Policletes*, and of which he was so much in love with, that he used to call it his Mistress.

But it is sufficient for our Purpose, that it is likewise a Term of that general Extent, as to be applicable to every Man that bears a Launce.

- C H A P. IV.

Of Eunuchs that are born so.

I Am very well perswaded, that it is not impossible but certain human Creatures may come into the World destitute of those Parts which are proper for Generation. We see every Day Children born, some without their Eyes, Ears, Hands, or some other Part of their Body; and therefore it may possibly happen, that some may be born without those Parts I just now mention'd.

Nature which every Day produces so many Monsters, might very well form one of this Sort. I know the Naturalists say, that there never yet has been an Example of this Kind; and in reality, *Pliny*, who recounts so exactly, and so fully, such a vast Number of Monstrous Human Figures which have been

been produced all the World over, makes no mention of such as I have mentioned.

However, I can truly say, I saw one, and perhaps it has been seen by all *Europe*; for the Parents of this Creature having observed, that the Publick would be pleased with such a singular Piece of Curiosity, and that thereby they might get considerable Sums of Money by showing it about from Place to Place, and from one Country to another, I do not doubt but accordingly they carried it to all the Principal Parts of *Europe*.

When I saw it, it was at *Berlin*, in the Year 1704. He was one of those Cripples whom the *French* call *Un Cû de jatte*, and we in *English* have no Name for, and was carried in a Box upon a Man's Back; but with this Difference, that those whom the *French* call by that Name have neither Legs nor Thighs that they can make any use of, but draw themselves along upon their Back-side in a kind of Wooden Bowl-dish or Platter; this that I am now speaking of, had no Back-side at all, that is, no Hips or Buttocks. His Head was well fashioned, his Face sweet and pleasant, of a brown Complexion, and his Hair Chesnut; and though he was then above 20 Years of Age, yet had no manner of Beard, or the least Sign he would have any. His Arms and Hands were very well proportioned, his Body hand-

handsomely enough shap'd; he was between 2 and 3 Foot high, he supported himself on a kind of a Block of Wood, or rather the Trunk of a Tree, and walked (if I may be allowed the Expression) upon his Hands. He had two Passages as other Men have, for Nature to discharge her Excrements; that before was very small and short, and below it hung a kind of Cod, or *Scrotum*, very lank and flabby, in which I could find not so much as the least Sign of a Testicle. I informed my self very particularly of his Parents, if he was actually born so, and they seriously assured me he was *absolutely* and entirely so, as Nature had formed him.

Now as I know that we ought not always to judge ill of the Virility of a Man who has no visible Testicles, because it sometimes happens, that they remain higher up in the Body, and do not come down by some Obstacle or Impediment which hinders their Descent. Those Men nevertheless that are in this Case, ought not therefore presently to have their Virility called in question, for it has been often found, that such Persons who have had those Parts thus hidden, have been as perfect as other Men, and have had all the other necessary Tokens to prove their Manhood.

It was for this Reason that I more curiously and attentively examined this Person, and finding besides all the Marks of a *real Eunuch*; I had all the Reason in the World to conclude he was so in Effect, and that he was properly one of those Eunuchs that in the Language of the Holy Scripture *have been Eunuchs from their Mother's Womb.*

This therefore is a plain Proof (abstracting from Revelation) that there have been Eunuchs so born, whatever the Naturalists (and particularly *Pliny* in the 2d Chapter of the 7th Book of the History of the World) say to the contrary.

C H A P. V.

What are the real Motives that induced People to make Eunuchs.

IF it be really true that *Semiramis* was the first that brought into the World the abominable Invention of making Eunuchs, we have seen in the beginning of this Treatise, what were the Motives that induced her to put it in practice; that it was an effect of Jealousy, which made her after having thoroughly experienced the secret Services of the handsomest young Fellows of her Army, cause them to undergo this kind of Mutilation, left

lest they should go and dispense the same Satisfactions to other Ladies of her Court. But not to stay long on Uncertainties and Conjectures, I shall instance the following Causes, which are certain and undeniable.

Eunuchs were made to look after the Wives and Daughters of great Men, to observe their Conduct, and to hinder them from doing any thing contrary either to Virginal or Conjugal Chastity; and it is past contradiction, that Eunuchs were properly designed for that Employment; the very Word imports so much, for it signifies a *Bed-guard*, or *Chamber-guard*, or in modern *English*, a *Chamberlain*, and this is the Use they put them to in the *East* at this very Day. But when Men who first made a lawful use of them, abused them, and made them serve to Criminal Ends, they began to chuse the most beautiful Youths they could find from the Age of 14 to the Age of 17 Years. St. Gregory Nazianzen complains bitterly of this Practice in the Life of St. Basil, and in his 31st Sermon or Oration; but this infamous Custom, it seems was much more ancient than those Days, for Juvenal in his 10th Satire, v. 306, 307. declaims also against this abuse, in these Words.

— *Nullus Ephebum**Deformem Scava castravit in arce Tyrannus, &c.*

That is in the Translation of our Countryman the Incomparable *Dryden* ;

*We never read of such a Tyrant King
Who gelt a Boy deform'd—
Nor Nero in his more luxurious Age,
E'er made a Mistress of an ugly Page.*

*Sporus his Spouse nor Crooked was nor Lame,
&c.*

It is true, Eunuchs have been likewise made, that they may be offered up in Sacrifice to the Gods. Against this horrible Custom, *St. Augustin*, who condemned and refused the ridiculous Practices, and infamous Cruelties of the Heathen Religion, exclaims in his most excellent Book *de Civitate Dei*, (of the City of God,) in the 6th Book and 10th Chapter.

Some of the Heathen Priests were obliged to be Eunuchs, that they might (say they) live with greater Chastity and Purity. It is certain, this was practis'd amongst the *Athenians*, and the Priests of *Diana* of *Ephebus* were likewise oblig'd to be* castrated.

* *Crinitus de honestâ disciplina*, Lib. 9. *S. Kennald.*
Vol. Tom. 2. Pag. 185.

Christianity has had also her Eunuchs, though much against her Inclination, for the Christian Church abhors and detests that abominable Practice. However, it is certain, that *Valesius*, a Native of *Arabia* began a Sect, and he was so far from believing that Mutilation was an Obstacle or Impediment to the Priesthood, according to the Canons of the Council of *Nice*, that on the contrary, he maintained it absolutely necessary, and that a Man ought not to exercise that Charge without it. And his Followers not only practis'd on themselves the cruel Example of *Origen*, but they reduced into that miserable and unhappy Condition all those that fell into their Hands; this is the 58th Heresy refuted by *St. Epiphanius*.

A 2d Motive that induced People to make Eunuchs was, that they might have fine Voices, and which would be much longer preserved by Castration. *Macrobius* gives very good Reasons why Eunuchs have fine Voices, in the 52d Chapter of his *Saturnalia*. And this is the Chief End the *Italians* at this day propose to themselves in cutting young People.

But without entering into those Reasons of *Macrobius*, which are very long and tedious, I shall only say, that I know it to be fact, that there can be no finer Voices in the World, and more delicate, than of

some Eunuchs, such as *Pasqualini*, *Pauluccio*, and *Feronima*, (or *Momo*,) and were esteem'd so when I was in *Rome*, which was in the Years 1705 and 1706, and I believe are all living at this very Day.

It is impossible to give any tolerable Idea of the Excellencies of these Three Celebrated Eunuchs, or the Beauty of their several Voices: In short, they are above Description, and no one can possibly entertain any Notion of them but those who have had the Pleasure to hear them, for though they were all Excellent in their kind, yet neither of them had the least Semblance with each other. *Pasqualini* had a Voice much of the same Tone as *Niccolini*, who was lately in *England*, but then he was infinitely a greater Master, for he was allowed in *Rome*, even by his Enemies (for Excellency still meets with those) to be the greatest Master of Vocal Musick in the World, and this can be no Disparagement to *Niccolini*, whose chief Excellency consisted in fine Action, and it may be, is the best Eunuch Actor in the World, and 'twas for that he was made *Cavallero di San Niorco*, or Knight of St. Mark by the *Venetians*.

But if *Pasqualini* was allowed to be the greater Master, *Pauluccio* was allowed to have the finest Voice. This Eunuch who was then about 19 Years of Age (and now about 30) was indeed the Wonder of the World.

World. For besides, that his Voice was an Octave, at least (and I speak within Compass) higher than any ones else, it had all the Warblings and Turns of a Nightingal, but with only this difference, that it was much finer, and did not a Man know the contrary, he would believe it impossible such a Tone could proceed from the Throat of any Thing that was human. *Feronimo*, (or *Momo*,) had a Voice so soft, and ravishingly mellow, that nothing can better represent it than the Flute-stops of some Organs. In short, they are all three so excellent in their kind, that a Man does not know which he likes best ; for after the Masterly Performances of *Pasqualini*, which strike you with Admiration and Wonder, you are ravished with the high Warblings of *Pauluccio*, and when you think you are almost fatiated with those Luxuriancies of Sound, you are most agreeably charmed a new with the soft Strains of *Feronimo* (which I have sometimes almost imagined have been not unlike the gentle Fallings of Water I have somewhere in *Italy* often heard) lulling the Mind into a perfect Calm and Peace. So that of these famous Singers, one may say as *Lassces* very truly did, of 200 of the Principal Churches of *Rome*, that the last which ever it happened to be, was always the finest.

I shall now shew you by one Instance, what a prodigious Master of Vocal Musick *Pasqualini* is, or at least then was.

It must be observed, that this Gentleman (for he is of a very good Family) is not only a great Master for Singing, but is also a perfect Master on the Harpsichord, and not only a good Performer on both, but an excellent Composer of both, though he seldom does Compose; but he has something very singular in his Temper in relation to his Singing, which is this; that whereas other Eunuchs have always their Parts sent to them over Night, or in the Morning, at least some time before the Performance, sufficient to peruse what they are to go about; *Pasqualini*, on the contrary, never has, and takes it as an Affront to have it offered him, and never looks on the Book, till the Master of the Choir, or Manager of the Concert shows him where he is to sing, and this must not be done too long before the time neither.

This peculiar Temper of his is not very pleasing to the other Masters of *Rome*, which they think a piece of insupportable Pride and Vanity; they therefore were resolved, if possible, to break him of it, and thought no Method so proper as shaming him out of it in one of the most publick Assemblies in *Rome*, and 'twas not long after a very favourable Opportunity offered it self, which was this.

It.

It is (it seems) a Custom in the Roman Seminary, (which is a mixt Sort of Society, for those who are not immediately designed for the Church, may learn to dance, fence, ride, vault, sing, and play on any Instrument of Musick; in short, any Exercise fit for a Gentleman, I say it is a Custom in this House) once or oftner in the Year, for the Students to present their Relations and Friends with Poems, Orations, and Dialogues, in *Latin* and *Italian*, and there is never wanting a Concert of most excellent Musick, Vocal and Instrumental, by the best Masters; and the Cardinals and Princes frequently come to this Entertainment to encourage the Students. Now was the time for *Pasqualini's* Antagonists to put their Design in execution, the Principal of whom were the famous *Arch-angelo Corelli*, and *Scarlatti*; the former the greatest Master in the World on the Violin, and the latter on the Harpsichord. They accordingly between them compos'd the most crabbed, odd, and disagreeable Piece of Musick as was possible for the Art of Man. The Symphony had an Air suitable to it, and both compos'd after the strangest manner in the World, nothing but Octaves, and hopping from one extreame Note to another, full of Flats and Discord as could be wish'd; that when it came to be perform'd, it was wonderfully shocking, notwithstanding

ing its wonderful Contrivance. I was then in Company with Mr. Gilbert Talbot, and we were both well seated, by the Care of Mr. Pickering, who plays so finely on the Arch-lute, and from whom we then learnt this Design. I perceived almost every Body knew it, and it was scarce a Secret to any Body but *Pasqualini*, who was to sing first: Never was so great a Silence in so great an Audience as there was when the Symphony began. And never was any one in so much Confusion as *Pasqualini*, who reddened and grew pale 3 or 4 times successively, for then he began to find the Design; But when all the Audience thought he must have failed, he performed that disagreeable Part with all the exactness and promptitude in the World, insomuch that the Composers themselves owned their Astonishment and Wonder; and the Audience, if they were not delighted with the Musick, were certainly very well pleased that he acquitted himself with so much Honour. I must own I cannot but think this to be a Piece of Vanity in *Pasqualini* to trust so much to his Knowledge, but if it discovers his Vanity, it shows at the same time the great Perfection of his Science, and I believe no one in the World can do this but himself.

Paulaccio steers another Course, and is always complaisant to the Masters, indeed he

he is but young in Comparison of the other, and he is in the right to keep himself in their good Graces. But now I am got in, I cannot omit relating something of this Eunuch, who was well loved by the Masters, especially *Corelli*.

It was within the Octave of the Assumption of the Virgin *Mary*, (for now I am at *Rome* I must speak in the *Roman Style*) a Holy-day, kept by the Church of *Rome* with great Devotion, when Cardinal *Ottoboni* gave an Entertainment of Musick to the People of *Rome* for 3 Nights together in his own Palace of the *Cancellaria* or Chancery, any Body might come in that was genteelly drest. This Palace which is much larger than the *Royal-Exchange*, is not much unlike it when you are in the Court; but with this difference, that (if I remember well) the Galleries up two pair of Stairs, as well as those up one, are all open with Arches and Pillars as they are below on the Ground. Opposite to the great Door coming in, was a magnificent Theatre, erected and painted for the Performers; between the Pillars that supported the Arches, hung Pieces of Crimson Silk in Waves; and in the Middle of each Arch a Branch Candlestick, some of Silver, and others of cut Crystal, with white Wax-Candles. The Ladies and Gentlemen of the Highest Quality, were some above in the Cardinal's Apartment, and others

others sitting in their open Chaises or Car-
 lesses in the Court, some of which were
 shaped like large Escallop Shells, others
 like Dolphins, &c. but all richly gilt and
 painted ; in short, every one might come
 that appeared clean, and every one was
 served between the Performances (which
 were three) with cool Waters, made with
 rich Fruits and Wines, and variety of Sweet-
 meats ; and at the same time flew from the
 Leads as thick as Hail, Printed in Quarters
 of Sheets of fine Paper, the Words of the
 next Performance, and each dedicated to
 the People of *Rome* in these Words, *Al In-*
clito Popolò Romano. To show that this En-
 tertainment was designed for no one in
 particular, but to the whole People of
Rome. This shows (says a *Roman* that stood
 by me) there is yet remaining in this great
 Man something of the publick Spirit of the
 old *Romans*, and could not forbear frequent-
 ly to regale me with *Vedete Signor ni questo*
Prencipe la Gallant aria di Roma.. You see Sir
 in this Prince the Gallantry (or Magnifi-
 cence) of *Rome*, indeed that Cardinal in his
 Entertainments is most Princely, and I
 was credibly informed, that this which held
 3 Nights successively, cost him above 3000
Roman Scudi, or Crowns, which is about
 900 Pounds Sterling, a great Sum where
 Things are so reasonable as in *Rome.*

It was at this Entertainment *Pauluccio* sung a Solo, and *Corelli* plaid to him on his Violin, and surely nothing in the World ever was so fine; but what was very remarkable, in the middle of a long Division which *Pauluccio* was running with admirable Distinction, yet with so much Vivacity and Swiftnes, that *Corelli* threw down his Bow, and cry'd out, it was impossible to follow him. It may easily be imagined, that this was followed with a vast Applause, and though the Eunuch continued his Song, yet was he almost drown'd with the Eccho of so many *Viva's*. Some will have this to have been a *Finesse* of *Corelli's*, but whether it was so, in order to show his Favourite Eunuch to the best Advantage, or whether he really was so much pleased with the Excellency of the Performance, that in a kind of Extasie he was forced to desist playing, is what no one could tell but himself: However, be that as it will, it gave the Eunuch no little Reputation.

I know some will scarce believe any thing can surpass *Niccolini* who sung on our Stage, it is impossible to convince such Persons, but those who have been at *Rome* know the contrary. It is certainly, but a bad Argument to say, because I never heard any better, therefore there are no better; nor must it be imagined the *Romans* will part with their best People. These I have now
dis

discourfed of, have all Obligations to ftay in *Rome*. I can fay nothing indeed as to *Pafqualini*, who has a very plentiful Eftate of his own, but for the other two they have Penfions from Cardinal *Oftoboni*, and befides are every Day employed in finging at one Church or other (which muft not be wondered at, there being 400 Churches in *Rome*, befides private Chapels) and for every Service receive a Piftole, or 3 *Roman* Crowns, which in the Years end, together with the Pope's Salary for his Chapel, and Prefents, make no inconfiderable Sum in *Rome*, where one Crown will go as far as 3 in *England*. And *Feronimo* had a Penfion from the Queen of *Poland*, Dowager to King *John Sobieski*.

As to *Niceolini*, his Cafe is quite otherwife; for as I obferved before, his Excellency confifts principally in Action, and gracefully treading the Stage, and his Interelt, or his roving Humour, or both, make him that he can never ftay long in a Place, which has made his Countrymen give him the Title of *Il Cavallero Errante*, the Knight Errant.

By what has been faid it is plain, that Caft ration does not only meliorate, but preferve the Voice, and it has been frequently known, that Eunuchs have had their Voices perfectly well at 50 or 60 Years of Age. But if Caft ration does better a good one,

yet

yet it never can give a Voice where there was none before, or make a bad one good, though indeed it may make it to be less bad. I have been told, that when they used to cut Children in their most tender Infancy, there were 200 Eunuchs made, which proved to be good for nothing; for when they grew up, it so happened, that not one of them had a tolerable Voice, and thus the Parents were frustrated of their Expectation (for they are generally the Persons who execute this Cruelty on their Children, in hopes they may one Day be a Help to them, and raise the rest of the Family) and so many poor Children made doubly miserable, first mangled and maimed in their Body, and Secondly rendered incapable of getting a tolerable livelihood, their Voice being good for nothing; and it is certain, nothing in *Italy* is so contemptible as a Eunuch that cannot sing.

But since that Misfortune wherein so many miscarried, they now are grown (as they think) much wiser, they therefore will cut none now till they know they have a Voice; and this was the Case of *Pauluccio*, who was castrated by his Uncle at 10 Years of Age. His Parents were very poor, and he lived with his Uncle, a very famous Eunuch in his time, who finding then his own Voice begin to decay, and his Nephews very promising, and that he took extream delight

fight in Musick, and believing that one Day he might be a Support to the Family if he was like himself, for then he might get considerable Sums of Money which must flow into that Channel, since he could have no Children of his own to divert the Current, performed that execrable Operation on the poor Youth; after he had thrown him into a dead sleep by *Opium*, who when he came to himself, with Floods of Tears for many Months together, bewailed the Loss of what was impossible for him to recover. So fatal is it in *Italy* to be the Son of a poor Man, and have a fine Voice; and I have often heard him bemoan his Misfortunes in the most moving manner. The *Romans* are very civil to him, indeed he deserves it, being the best natured Creature in the World. I told him one Day (for he loved to be taken notice of by the *English*) that I thought him mighty happy, being so much respected by the greatest Quality, and living in the greatest Affluence and Plenty, the World at his Command, and had the Favour of Princes. He replied, with a deep sigh, and the Tears stood in his Eyes, *Si, Signor ma si manca qualche Cosa*, Yes, Sir, says he, but — there — is something wanting.

But *Pasqualini*, as I said before, was obliged on the account of a Distemper, otherwise incurable, to undergo that Operation, but

but as he is a Person of Quality, and a Master of a good Estate, he has all the Respect shown him suitable to his Rank; and he has this Satisfaction, that it was only to save his Life, and not by Compulsion.

But to return to our Subject; If to make and preserve a fine Voice has been one Motive of making Eunuchs, Avarice has been another, for that Vice has pushed some People on to make Eunuchs on purpose to Trade and make Money of them. Some Travellers have reported, that in the Kingdom of *Boulan* only, there have been made every Year at least 20000 Eunuchs, which are sent away to be sold to several Places in other Countries. The History of *Panione*, of the Island of *Cbio*, which I shall relate in its proper Place, will plainly shew, that this Sort of Commerce is no new thing.

Others have been forced into *Eunuchism*, as a Punishment for some Crime; for if we may believe * *Luitprandus*, *Meibomius*, and others, we shall find that it was a common Practice to punish Malefactors, either for Desertion or Mutiny in the Army, or any notorious Crime, with this sort of Punish-

* *Luitprand Tioniensis*, Lib. 4. de rebus per *Europam* gestis, Cap. 4. *Meibom. Rev. Germ. Tom. 1. c. 47. p. 247. Camerar. Medit. Histor. Tom. 1. Lib. 5. cap. 19.*

ment, which they looked upon as a Note or Mark of the highest Shame and Infamy.

But besides, there have been likewise other Motives, as Raillery, Resentment, and Insult; to prove which, may be instanced a History, wherein is recounted a very particular Case, which because it may not be unpleasant, I shall now relate it.

That History tells us, that in the Reign of Henry the 1st of France, " In the Wars
" between the Greeks and the Duke of Bene-
" vento, the Greeks treated the Duke very
" ill. Theobald or Tibbald, Marquis of Spo-
" leto, his Allie, came to his Assistance, and
" took several Greeks Prisoners, whom he
" commanded to be castrated, and then
" sent back in that Condition to the
" Greek General, and said, they should tell
" him that he did it to oblige the Emperor,
" who he knew had a very particular love
" for Eunuchs, and that he would try very
" speedily if he could not make him a Pre-
" sent of a greater Number. The Mar-
" quis resolved to keep his Word, and ha-
" ving taken several other Prisoners, was one
" day going to execute that fatal Resolution,
" when there came a Woman, whose Hus-
" band was one of them, running through
" the Camp, and crying most pitifully,
" begg'd she might speak to Theobald. The
" Marquis having asked the Reason of her
" Sor-

" Sorrow, My Lord, says she, I am astonish-
 " ed to think such a Hero as you are, should
 " amuse your self in making War with poor
 " Women, now the Men are not in a Condi-
 " tion to resist you. Theobald replied, that
 " since the Time of the Amazons, no one,
 " as he ever heard, made War with Wo-
 " men ; My Lord, says the Greek, can you
 " wage a more cruel War against us, than to
 " deprive our Husbands of that which gives us
 " Health, Pleasure, and Children ; when you
 " do this, you make us, not them, Eunuchs ;
 " you have for several Days past, taken away from
 " us our Baggage and Cattel, and I never made
 " any Complaint, but (and then she looked ve-
 " ry wistly at the Marquiss, says the Histo-
 " ry) the Loss of those Goods you have taken
 " away from a great many Women of my Acquain-
 " tance being irreparable, I could not help coming
 " to implore the Compassion of a Conqueror. This
 " honest Speech of the poor Woman so well
 " pleased the whole Army, that they not
 " only gave her back her Husband, but
 " every thing else that had been taken from
 " her. But as she was going away, the
 " Marquiss asked her what she would con-
 " sent should be done to her Husband in case
 " he was found again in Arms. He has Eyes,
 " (says she very hastily) a Nose, Hands and
 " Feet, these are his Goods, and you may take
 " them away from him if he deserves it, but if
 " you please let that alone which belongs to me.

But

But the Woman in the *Mercator* of *Plautus* seems to have been of another Opinion, for she looked upon those Goods that belonged to her to be of so little Significance and Value, that it seems her Husband was afraid she would deprive him of them her self.

* *Quasi Illyricum metuō ne Uxor me castret mea.*

Eunuchism was likewise a Punishment for Adultery, of which I could give a great many Instances, but shall content my self with Three only, and which are very particular.

1. The first is taken from † *Valerius Maximus*, who tells us, that *Vibienus*, and *Publius Cernius*, having one surprized *Carbo Accienus*, and the other *Pontius* in Adultery, soon put them in a Condition of never doing the like Injury for the future.

2. The Second is in *Martial* || of one *Hylas*, who had an Affair with a *Tribunes* Wife, of whom that Poet has made the following Verses.

* *Act. 1. Scene 2.*
 || *Lib. 2. Epigram. 60.*

† *Lib. 6. Cap. 1. Art. 13.*

*Uxorem armati futuis, puer, Hyle, Tribuni
 Supplicium tantum dum puerite times.
 Vae tibi dum ludus, castrabere. Fam mihi dices
 Non licet hoc. Quid, Tu quod facis Hyle licet?*

3. The Third and Principal is the Example of *Abelard* *. This amorous Doctor, having abused *Heloise*, whose Master or Preceptor he was, her Relations caused those Parts which had dishonoured their Family to be cut off; they went to the Root of the Evil, and in such a manner, that rendered him ever incapable of a Relapse.

Servants that had stoln from their Masters were also made Eunuchs. This was a Punishment inflicted on such Offenders by the *Salick* Law, provided the Thing stolen was worth 40 Pence. *Servi qui quippiam valens quadraginta denarios furati essent castrati-jubebantur in penam.* But Servants nowadays would think it very hard to be dismembred for 10 Groats, an Attorney's Fee.

Sometimes Necessity obliged People to undergo this Operation, as in Case of some Distemper, otherwise incurable, as I observed before, in the Case of *Pasqualini*;

* *Monsieur Bayle's Dictionary, Art. Abelard Heloise Foulques, &c.*

and they who are the unhappy Subjects of this Affliction ought not to be looked upon with an evil Eye, but rather should merit our Compassion and Consolation.

Others have been made Eunuchs by way of Reprizal, or Retaliation, of which *Herodotus* * gives us a very curious Example, *Hermotimus*, says he, a Native of *Pedus*, the most considerable amongst the Eunuchs of *Xerxes*, of all Men revenged himself the best of that Injury, and which was after this manner. He had been taken Prisoner, and soon after was sold to *Panione*, of the Isle of *Cbia*, who traded in Eunuchs, and castrated all the beautiful Boys he could purchase, to sell them afterwards at a good Price in *Ephesus* and *Sardis*, because in those Parts Eunuchs were much esteemed on account of their Honesty and Fidelity, and the Confidence that might be reposed in them in all Cases of Moment whatsoever: Now as this *Panione*, who had bought *Hermotimus*, as I said before, made a livelihood of this execrable and infamous Practice, he made him undergo the same Fate with a great many others. But *Hermotimus* was not unhappy in all Respects, for being sent to the King of *Sardis*, with other Pre-

* *Heroditus*, Lib.8.

sents, he so well behaved himself in that Court, that in time he grew much more in the good Graces of that Prince than any of the other Eunuchs. When the King with his Troop left *Sardis*, and was marching to *Arbens*; *Hermotimus* was sent about some Affair of Consequence to *Atarne*, a Place in *Mysia*, where he found *Panione*, whom he presently knew, and address'd himself to him with all the Complaisance in the World, with the highest Expressions of Civility and Testimonies of Friendship. He told him first, that 'twas to him he owed all his Advancement and Prosperity in the World; and then promised to shew him all the Marks of his Esteem he had for him, and that he would in a very singular manner shew his Acknowledgment and Gratitude for all the Benefits he had received from him, if he would only bring his Family with him, and live in an Apartment of his House. *Panione* permitted himself easily to be perswaded by this Discourse, and very readily brought his Wife and Children along with him to accept of the Favours of *Hermotimus*; but scarce had they entered the House when *Hermotimus* spoke to him in these unexpected Words. O thou most wicked of all Mankind! Thou hast hitherto gained a Livelihood by a Commerce the most detestable

' ble in the World, What Injury hast thou ever
 ' received from me, or my Parents, thou, or any
 ' of thy Family, that thou hast brought to this
 ' wretched, miserable Condition, in which from
 ' being a Man as I was, I am now become
 ' neither Man nor Woman? Dost thou think
 ' the Gods could not see thy Actions? As they
 ' are full of Justice and Equity, thou infamous
 ' Artisan of Misery and Wretchedness, so have
 ' they this Day put it into my Power to pro-
 ' portion thy Punishment to thy Crimes. After he
 ' had thus reproached the now most un-
 ' happy Panione, he commanded his 4 Sons
 ' (he brought with him) to stand before
 ' him, and made him geld his own Chil-
 ' dren, and when that was done, forc'd the
 ' Children to do the same ungrateful Of-
 ' fice to their Father. Such was the Ven-
 ' geance of *Hermotimus*, and such the Pu-
 ' nishment of *Panione*.

Some People believe *Hermotimus* carried
 this Matter too far, according to the Rules
 of Justice, and that it had been sufficient
 only to have let the Father suffer.

The Revenge of *Narses* was much more
 important, supposing it to be true; for
Baronius and other Authors very much
 doubt of it. *Narses* having conquered the
Barbarians and *Goths*, presented himself be-
 fore the Emperor *Justinian*; the Empress
Sophia, in raillery told this General, she
 would have him go into the Women's Apart-
 ment

ment to assist them in their Spinning (for he was an Eunuch) This unseasonable Piece of Wit, raised the Anger and Indignation of *Narses* to that degree, that it extorted from him these Words, *I'll spin such a Thread,* says he, *that your Husband shall never be able to untwist it.* And accordingly some time after, he was the Occasion that the *Lombards* effectually withdrew themselves from the Jurisdiction of the Empire.

I must confess, bating the Circumstance of castrating the Sons, who could not help their Father's ill Actions, there is nothing appears more Just to me, than the Resentment of *Hermotimus*; and the Punishment of *Panione* (who not only castrated him, but a Million of others to satisfy his Avarice) could not certainly be too great. It was founded on the Law of Reprizals or Retaliation; for the *Lex Talionis* was then established, a Law of the greatest Equity; and in the Law of the 12 Tables are these express Words, * *Pena autem injuriarum ex lege duodecim Tabularum propter membrum quidem ruptum Talio erit.*

The Emperor *Justinian*, since that, has positively decreed, that the Law of Retaliation should be in force against those that should execute this kind of Martyrdom on

* *Instit. Lib. 4. tit. 4. de Injuriis. §. 7.*

any one whatsoever. * *Sancimus igitur*, says he, *ut qui in quocunq; Reipublice nostrae loco, quamcunq; personam castrare presumunt aut etiam presumpserint, si quidem viri sint qui hoc facere presumpserint, aut etiam presumunt, idem hoc quod aliis fecerunt & ipsi patiantur.* And this Law is conformable to right Reason, (abstracting from the Law of Moses where it is expressly mentioned) and even the Heathens were of that Opinion, for as † *Ovid* says,

*Qui primus pueris genitalia membra recidit
Vulnera quae fecit debuit ipse pati.*

However, as the Christian Religion does by no means approve of Eunuchism, this *Lex Talionis*, or Law of Reprizal was abrogated as to that respect by the Emperor *Leo*, for very grave and Christian Reasons, as may be seen in his Constitution. ||

In short, there have been Eunuchs who have made themselves so, or have been forced to be made so for several Reasons, as may be seen in the following Chapter.

* *Novel. 42. Cap. 1. † Amor. lib. 2. Eleg. 3. v. 3. & 4. || Novel. 60.*

C H A P. VI.

Why some Men have made themselves Eunuchs, or have been forced to be made so by others.

TH E R E have been some Men who have made themselves Eunuchs through a Spirit of Devotion, believing that by so doing, they might render themselves more acceptable to God, and be more capable of working out their Salvation. But as *Origen* was the Chief, the Father, (if I may so say) and the Patriarch of these Sort of Eunuchs, it will not be improper, in a few Words, to examine what was the real Motive that induced him to act and think after so singular a manner.

I know very well * *Justin Martyr* makes mention of a young Man of *Alexandria*, that lived before *Origen*, who to convince those who accused the Christians of committing the most horrible Impurities in their Assemblies, that such Accusations were only malicious Calumnies, presented a Petition to *Felix*, Governour of that City, that he would assign him a Surgeon who might

* *Apol. 2. pag. 71. Dedicated to the Emperor Antoninus.*

forthwith put him out of the Condition of committing what the Christians were accused of ; but as *Felix* refused his Request, as being contrary to the *Roman* Laws, which forbid Castration, as the Ecclesiastical Canons have since also done, we may well reckon *Origen* to be the first in Order ; for if he was not the first which had such a Design, he was the first at least that put it in Execution.

Origen was born in *Alexandria*, in the Year of our Lord 185, his Father's Name was *Leonidas*, who caused him to study Divinity, in the Knowledge of which, he made himself very Learned. Of this Truth we cannot bring a better Proof than the Testimony of *St. Jerom*, for at the same time that he wrote severely enough against him, he acknowledged that he was a great Man from his Infancy *, *Magnus Vir ab Infantia*. He was so zealous in the Profession of the Christian Religion, that in the Persecution which began in *Alexandria*, under the Reign of the Emperor *Severus*, in the Year of Christ 202, he had a great Desire to suffer Martyrdom, though he was then only 16 or 17 Years of Age; and accordingly had thrown himself into the Hands of the Persecutors, had not his Mother hindered him partly by good Words,

* *Epist. 5. 6. ad Panimachium de Erroribus Originis.*

and partly by Force. Being thus debarred from suffering himself, he exhorted his Father by Letters, to lay his Life down for God, with a true Christian Magnanimity and Courage, and who accordingly had his Head cut off, and his Goods confiscated ; so that *Origen* his Son was reduced to the utmost Poverty.

A rich Lady of *Alexandria* taking Pity upon him, received him into her Family ; there lived with her a famous Heretick of *Antioch*, whom she had adopted for her Son, who used to hold many Conferences in the Family, at which both Hereticks, and the Orthodox assisted without any difference. *Origen* frequently conversed with him, but never would have any Communication with him in Prayer, observing very religiously the Rules of the Church, and had the utmost Horror for all false Doctrine and Heresie.

He earnestly desired to live without having any Dependence on others, and accordingly he applied himself to teach Grammar ; some time after the School of *Alexandria* was given him, being vacant on the Death of the Professor, but that not affording him sufficient wherewithal to live, he sold all his Books which treated of Profane Sciences, and contented himself to live on 4 *Oboli* or Half-pence a day. He then began to lead a very austere, labori-

ous, and rigorous Life; and as his Employment obliged him to be often with Women, whom he taught as well as Men, to take from the Heathens all pretence of Suspicion of any ill Conduct in respect of his Youth; He resolved literally to arrive at that State of Perfection he persuaded himself that Jesus Christ had proposed in these Words of the Gospel; *There be Eunuchs which have made themselves Eunuchs for the Kingdom of Heaven.*

He endeavoured to keep this Action private, even from his most intimate Friends, but it was not long before it was spread abroad. *Demetrius*, Bishop of *Alexandria*, was informed of it, who praised his great Zeal, and the Ardour of his Faith, but he soon changed his Tone; for the Reputation of *Origen* being spread through all Places where ever he went, *Demetrius* wrote against him, and reproached him for that Action he had before so much praised and extolled. His Passion carried him on so far, that he got him banished from *Alexandria*, deposed in a Council of Bishops at *Egypt*, and even excommunicated, and wrote circular Letters to have him excluded the Communion of all the Churches in the World. This Narrative which I have extracted from a very * Authentick Writer,

* *Du Pin nouvelle Bibliotheque. des Auteurs Ecclesiastiques, Tom. I. p. 121.*

approved of by the Publick, and agreeable to *Eusebius*, sufficiently destroys and refutes what *St. Romnald* says upon this Subject.

* The Account that he gives of it, in short, is this. In the Year 232 (says he) there was a Popular Sedition in *Alexandria* raised against *Origen*, which obliged him to retire elsewhere, leaving his Disciple *Heracles* to take care of the Schools of the City in his Absence. It is not certain what was the Cause of this Sedition, some attribute it to his Publishing his *Periarchon*, or his Principles, which indeed (says he) is a true Labyrinth of Errors; others again imagine, that it was on account of his often persuading his Scholars to imitate him, and make themselves Eunuchs, either by Section or Hemlock, thereby entirely to enervate that Rebellious Part of the Body, so as never more to be troubled with the brutal Movements of the Flesh. And this Author declares himself to be of this latter Opinion, because, says he, much about that time that Error of his grew into a Heresie through the false Zeal of *Valesius* the *Arabian*, whom I have before spoken of, and who was the Ring-leader and Propagator of

* *S. Romnald. Tom. 2. p. 185. du Tresor. Histor. & Chronol. in. Fol.*

that Sect. But it is certain, that in the first Place, *Origen* never did Violence to any Man, he kept this Action of his secret, and when it was divulged, it was against his Intention. 2^{dly}, He himself condemned it afterwards, and this is a Fact which the same Author from whom I took the Abridgment of his History expressly observes; *Eusebius* his great Protector speaks after such a manner as plainly discovered he was ashamed of it. He also was ashamed to have spent so much time in prophane Sciences, and he excuses himself in the Second Book of his Apology or Defence. The very Words which *Origen* made use of to condemn this Action, are in the 15th Sermon upon the 19th Chapter of St. *Matthew*, and in his Treatise against *Celsus*, in the Seventh Book. To be more fully convinced of this, we have nothing else to do, but to read what he says in his Seventh Treatise upon the 19th Chapter of St. *Matthew*, and we shall soon perceive that he changed his Opinion. These are his Words; *Nos autem si Spirituale sumus Verba Spiritus spiritualiter accipiamus, & de tribus istis Eunuchizationibus edificati-onem introducentes moralem. Eunuchi nunc moraliter abstinentes a veneriis sunt appellandi; Eorum autem qui se continent differentia tres sunt.* 'Those, says he, who are Eunuchs from their Mother's Womb, are those who are so by a certain Temperament of Hu-mours,

' mours, that are frigid and impotent.
 ' Those who are made so by Men, are they
 ' who become so by reason, as were those
 ' Philosophers, who making Profession of
 ' Worldly Wisdom, abstain from the Com-
 ' merce of Women through human Max-
 ' ims and Motives, or a false Shame, or hu-
 ' man Laws. *Lastly*, says he, there are
 ' those who make themselves Eunuchs for
 ' the Kingdom of Heaven; and there are
 ' such as are chaste by Virtue and Piety, the
 ' better to be disposed to the Service of God,
 ' and with Intention to render themselves
 ' more pleasing to him.

* *Socrates* the Historian, says of *Origen*,
 whom he calls *Doctor valde Sapiens*, was at
 last convinced, that the Precepts of the *Mo-
saick* Law ought not to be understood alto-
 gether Literally, but ought to have a more
 sublime Explication. And he adds, that he
 interpreted the Precept of the Paschal to
 a higher and more Divine Sense, *Preceptum
de Paschale ad altiore[m] divinioremq; sensum tra-
duxit*, which plainly demonstrates more than
 any thing that *Origen* had awakened from
 his former Error of believing, that what
 was contained in the Old and New Testa-
 ment must be understood according to the
 Letter.

Valesius, whom I have often mentioned in this Work, came after him, and as the Scholars always go farther than their Masters, (supposing that *Valesius*, who only imitated *Origen*, but was never by him taught or recommended to practise that cruel Doctrine may (or ought to) be called his Scholar) so *Valesius* improved very much upon this Fact of *Origen*; for if *Origen* considered the Words of Jesus Christ only as of Council, not of Precept, and that he practised it not as a Duty absolutely incumbent, but only *ad melius esse*, in the Language of the Schools, through an earnest Desire to arrive at Perfection, and to take from his Enemies all pretence of judging ill of his Conversation with his Female Scholars; *Valesius* on the contrary, changed this voluntary Action into a necessary one, and forced all those who fell into his Hands to make themselves Eunuchs; and if they refused, he forcibly had them bound to a Bench, and with his own Hands performed that cruel Office, telling them at the same time, that they must fulfil to the Letter what our Saviour said, *That there have been Eunuchs who have made themselves Eunuchs for the Kingdom of Heaven*, which with Submission to *Valesius*, was a little improper, and not agreeable to the Letter of the Scripture neither, for the Words are, *who have made themselves Eunuchs*; but those who have been forced

forced to be made so by others, are not those who have made themselves Eunuchs.

This Sect which was called the Sect of the *Valefians* or Eunuchs, was not very long lived. First it was absolutely condemned by the first General Council of *Nice*, on occasion of *Leontius*, a Priest, who was an Eunuch. Secondly, Because those who had undergone the Operation, suffered such horrible Pains and Torture, that they were often in great Danger of dying, which struck others with so much Fear and Terror, that they abandoned the Sect entirely. But the Third and most effectual Cause of all was, that it was absolutely forbidden by the *Roman* Laws, unless Leave was first had of the Civil Magistrate, and People were ashamed to ask such Leave, especially since they were almost assured they should be refused, witness that young Man mentioned by *Justin Martyr*, in his 2d Apology to the Emperor *Antoninus*, who went to ask leave of the Governour, as I observed in the Beginning of this Chapter, because the Surgeon would not otherwise undertake to do it *timore Pœna*, for fear of the Punishment or Penalty he would incur by so doing, but was absolutely refused; and what that Punishment was, may be seen in *L. 4. §. 2. ff. ad Legem Corneliam de Sicariis & Veneficis*; and thus was the Beginning, Progress, and End of this Sect.

We have now seen what were the Motives that induced *Origen* and *Valesius* to make themselves Eunuchs; but since their Time there have been others who have made themselves so on a quite different Account.

All the World knows the History of *Combabus*, it is in *Lucian*; but Monsieur *Bayle* has published it in his Historical Dictionary with all its Circumstances.

Combabus was a young Lord at the Court of the King of *Syria*, well skilled in Architecture. He was pitched upon by that Monarch to attend his Queen *Stratonice* in a long Voyage which she was obliged to make, in order to build a Temple to *Juno*, according to the Directions she had received in a Dream. *Combabus* was young and handsome, and had got it in his Head, that the King would infallibly entertain some Jealousy against him; he therefore earnestly entreated him that he would dispense with him from undertaking that Employment, but when he saw he could by no means prevail, he looked upon himself as a dead Man, if he did not take such Care in his Conduct as might not give occasion for the least Shadow of Suspicion. He only then begged of the King that he would be pleased to allow him seven Days to prepare for his Journey, and this he did after this manner.

As soon as he came to his Lodgings, he bewailed the Wretchedness of his Condition, which expos'd him to this dismal Alternative, either to loose his Sex or his Life; and after having fetch'd a few bitter Sighs, he cut off his secret Parts, and having embalmed them, sealed them up in a Box. When the time came that he was to undertake his Journey, he presented the Box to the King, in the Presence of a great Number of Courtiers, and begg'd his Majesty that he would keep it for him till his Return, and told him, that there was in-it what was more valuable than Gold and Silver, and was as dear to him as his Life. The King put his Seal upon the Box, and gave it the Master of the Wardrobe to take care of it. This Journey of the Queen's continued three Years, and what *Combabus* imagined he foresaw really came to pass, and the Event plainly justified his Precaution.

This Action of *Combabus* gave Birth to other Motives for Eunuchism. His intimate Friends gelt themselves to be Companions of his Disgrace, and to comfort him according to the old Maxim, that it is a Comfort to the Unfortunate to have Companions or Partakers of their Misery.

Solamen miseris Socios habuisse Doloris.

*For 'tis a Comfort which the Wretched know
T'have others, like themselves, deep plung'd in.*
(Woe.

Lucian adds, that this Conduct of the Friends of Combabus, laid the Foundation of a certain Custom, which was Annually observed, to castrate several Persons in the Temple which Stratonice and Combabus had built; and he says they did it *five Combabum consolantes five Junoni, &c.*

But the young Gentleman I am going now to speak of, had quite different Motives from those of Combabus or his Companions. This young Gentleman, who was very handsome, having by his Address and Perseverance, obtained an entire Victory over his Mistress, who put her self into his Possession, but finding by an unfortunate Accident he could not reap any Advantage by his Conquest, as being then so unhappy as not to be Master of the Instruments of his Passion, which would not now obey him, but were all Ice and Snow, while his Heart was on Fire; mortified at this sad Adventure, he cut them off as soon as he came to his Lodging, and sent them to his Mistress as a Bloody Victim, only capable to atone for their Offences.

Mon-

* Montaigne, who tells this Story, makes this Exclamation, *had he done this*, says he, *for Religion, like the Priests of Cybele, what might one not have said of so bold an Enterprize.*

The same Author tells us of a certain Peasant in his Neighbourhood, that made himself an Eunuch for quite different Reasons, which was for meer Passion and Anger against his Wife; this good Man, as soon as he came home, was received by his Wife, who was jealous of him to an Extravagance, and was continually tormenting him with the usual Welcome, and said any thing against him that came uppermost, and as her Jealousie furnished her with malicious Abuses, he made no more ado, but immediately, with his Scyth that he then had in his Hand, whipt off those Parts which gave her so much Umbrage, and without any more Ceremony threw them in the good Woman's Face.

There are yet others who make themselves Eunuchs through fear of the Leprosy, or the Gout, and to secure themselves from the Pain and Inconveniencies that attend these Distempers, who had rather loose the Advantages those Parts bring with them, than run the risque of suffering those Pains

* Montaigne *Essays*. Lib. 2. Chap. 29.

and Inconveniencies. It is certain, that Eunuchs are never troubled with the Leprosie, according to Monsieur le Prêtre, a Counsellor in the Parliament of Paris, who has these Words in his notable Questions.

* *Antipathia vero Elephantiasis Veneno resistit; Hinc Eunuchi, & quicunq; sunt mollis, frigidae & effeminata natura nunquam aut raro lepro corripuntur, & quidem quibus imminet lepro periculum de Consilio Medicorum sibi Virilia amputare permittitur. C. ex pact. II. ex de Corpa. vitiatas ordinandis vel non; Quod etiam aliquando permiserunt nonnulli leprosis ministrantes, manifesto Experimento magnoq; vitæ & Sanitatis commodo.* And † Mezeray says, he has read in the Life of Philip the August, that some Men had such Apprehensions of the Leprosie, that shameful and nasty Distemper, that to preserve themselves from it, they made themselves Eunuchs.

It is observed that Eunuchs are never bald, because their Brains are more entire than those of other Men, who loose great Part by the use of Venus, the Seminal Juices deriving thence chiefly their Original. They are likewise exempt from the Gout, for which || Hippocrates and ** Pliny give

* Centur. 1. Cap. C. de Separatione ex Causa Ivis Venerea. † Abreg. Chronol. Tom. 2. pag. 639.

|| Hippocrat. lib. Aphorism. 28. & 29. ** Plin. lib. III. Cap. 37.

very substantial Reasons. *Calius Rhodiginus* says the same thing in the 30th Chapter of his 15th Book, *Lectiōnum Antiquarum*; and in another Place of the same Treatise, that Eunuchs only are exempt from being affected with a certain Vapour which steams forth of the Earth in some Parts of *Egypt*, which kills all other Persons with its intolerable Stench.

This Circumstance probably is the same which *Ammianus Marcellinus* *, and *Dion* take notice of in the Life of *Trajan*, concerning the Grot of *Hierapolis*. There is, say they, a Cistern close of all Sides, with a Theatre built upon it, under which there issues a Vapour so pernicious to all Sorts of Animals, that they immediately die as soon as they smell it, except Eunuchs, who are not at all affected with its Malignity.

To conclude, there are some who have made themselves Eunuchs after they have been condemned to suffer an ignominious or painful Death, on purpose to avoid their Execution by this Operation, which they know must infallibly kill them, without timely Applications of proper Medicines, which they have no Intention in such Case to make use of.

* *Lib. 23.*

C H A P. VII.

Of Eunuchs so called, on account of their Employment or Office, and of those who are so in a figurative Sense.

THOSE who were in possession of the Employments or Offices which were usually given to Eunuchs, were themselves also called by that Name, as those who are admitted into Holy Orders, are at this Day called Priests or Presbyters, which signifies a Person in Years, because originally, none but Presbyters, or Persons in Years were admitted to exercise that Function; and the modern Word Priest, was formerly Priester or Prester, which is nothing but a Corruption from Presbyter.

And therefore as Eunuchs were employed in several Sorts of Offices in the Courts of Princes, so those who succeeded them in such Offices were called also Eunuchs. In this Sense the Holy Scripture is to be understood, when it makes mention of the Eunuchs of Pharaoh, King of Egypt, those of the Kings of Israel and Judah, of Assuerus King of Persia, the Kings of Babylon, of him who served Candace Queen of Ethiopia, mentioned in the Acts of the Apostles, and of the President or Governour of the Eunuchs.

It

It may also be said, that this Term *Eunuch*, was of so general a Signification, that it was usually applied to all kinds of Officers whatsoever, that were employed in the Courts of Kings and Princes; and these as I have before observed, were only called so, because in their Employment they represented those who were properly Eunuchs and their Predecessors; these were Eunuchs, *ratione Impotentia & adempta Virilitatis*, the others *ratione officii*. Potiphar, for Example, who was Eunuch to Pharaoh, was so called, merely because he executed an Office which was ever before given to Eunuchs. No one doubts but Potiphar had a Wife, and 'tis highly probable a Daughter too, called *Asenath*, who was married to Joseph, for it is said in the 41st Chapter of Genesis, v. 45. that Pharaoh gave him to Wife *Asenath the Daughter of Potipherah*, who in all probability was the same Person that a little before is called Potiphar; this Difference or Variation is inconsiderable, and is frequent in Scripture, where sometimes the same Person is called both *Nebuchadnezzar* and *Nebuchadonozor*; *Elisha* is sometimes called *Elizeus*, and *Elijah*, *Elias*, *Jonah*, *Jonas*, and so of many others where the Variation is much greater than between Potiphar and Potipherah. If it be objected, that in the same Verse Potipherah is said to be the Priest of On, and consequently could not be the same

same Person as *Potiphar*, who was an Officer under *Pbarah*, and Captain of his Guard, which a Priest could not be; it must be remembered, that the Original is Prince of *On*, and not Priest of *On*, as may be seen in those Bibles that have Marginal Notes. By what has been said, it is plain, that married Persons have been called Eunuchs according to their Charges or Employments. We shall see as we proceed farther in this Treatise, more particularly what Posts, or rather, what Rank Eunuchs have held in the Courts of these Kings and Princes, and in other Courts where they have been encouraged and established. Let us now see what an Eunuch means when it is taken in a figurative Sense.

An Eunuch then in this Sense, is a Person who lives in a State of Celibacy and Chastity, and such were the *Essians* or *Essenians* amongst the *Jews*, and such there have been and now are amongst the Christians.

I am not willing to stretch the figurative Signification of this Word *Eunuch* too far; every Body knows that to be gelt, and to be an Eunuch, is much the same thing, and is generally applied to Members which have some Part cut off from them. There have been therefore Women Eunuchs who were gelt by *Adramis*, the first King of *Lydia*, who was the first that caused the poor Creatures to be so roughly handled, and

employed them instead of Men Eunuchs. Had this Prince lived at the same time with *Semiramis*, and been her Husband, what a fine Court had there been between them?

We also say a Book is gelt, when any thing is left out of it, and thus the Eunuch of *Lucian*, translated by Monsieur *D'Ablancourt*, and several *Classicks*, put out by the Jesuits, are gelt, because under Pretence of paring away some Obscenities, they have left out whole Periods. Vines and other Trees may likewise in this Sense be said to be gelt.

Monsieur *Mezerai*, in his *History of France*, pag. 160 says, that amongst the mad Whims of *Domitian*, before he was Emperor, one of the oddest was, that he commanded all the Vines of several Provinces, particularly in *Gaul*, to be rooted up and destroyed; but that upon his coming to the Empire, he affected the Reputation of a good Prince, and forbade the gelding of young People for the future (for at that time the Luxury and Effeminacy of the Great Men ran into all the wild Extravagancies of the East, and after the Example of that part of the World, made no Scruple to commit that Outrage and Violence to Nature, that they might have Eunuchs according to the Eastern Mode) Upon this the Philosopher *Apollo-
nius*, who was a professed Enemy to Tyranny,

ny, said these Words, which were not likely to be forgotten, that *that Prince had truly secured to Men their Virility, but that he had gell the Earth.* We now see the Earth made an Eunuch, but this is only a Piece of that Philosopher's Raillery, and only serves to shew how many Ways and different Senses that Word may be taken in.

There have been, lastly, Eunuchs in the Marriage State, though capable of performing its Duties. Some Interpreters believe, that such were the Eunuchs mentioned in the 56th Chapter of *Isaiah*; but that is not probable, since an Eunuch is brought in there calling himself *a dry Tree*, which cannot agree but with one who is properly so, and in the most rigorous Sense of the Word.

There have been an Infinity of those married Eunuchs which have been undeniably so; of this *Gregorius Turomiensis*, in his History of *France*, gives us a famous Example, after this manner. 'A certain Senator (says he) of *Clermont* in *Auvergne*, who was an only Child, was contracted to a young Lady, likewise an only Child of the same Quality with himself, but very rich. They were married some few Days after, and put to Bed together according to Custom. But when the Company retired, the young Lady immediately turned her Face to the Wall, and sigh'd and wept bitterly.

' The

The Bridegroom was surprized, asked her the Reason, and conjured her by Jesus Christ the Son of God, to let him know the Cause of her Sorrow and Discontent. She told him she had made a Vow to keep her Virginity as long as she lived, and seeing herself now upon the Point of breaking her Vow, she believed that God had forsaken her. That instead of Jesus Christ, which she believed she should have had for her Bridegroom, who promised to give her the Kingdom of Heaven for her Dowry, she had now only a mortal Man, who could bestow on her nothing but the transitory Things of this World, and then (says the History) she wept afresh. The young Gentleman, who had a great deal of Piety and Goodness, represented to her, That as they were the only Children of their Parents, they had married them on purpose to have Children, to keep up their noble Families, and that their Estates should not go away to Strangers. She replied, That the World, and its Riches, were nothing; its Pomp and Magnificence a mere Vapour, and Life it self a blast; and that it would be much better to have an Estate in Heaven, and Life Eternal. She spoke all this after so lively, and so moving a manner, that she vanquished her Husband, and drew from him these Words, so conformable

'formable to her desires, viz. That if
 'was really her Will to abstain from all Con-
 'cupiscence, and carnal Conversation, he
 'promised he would act in Conformity to
 'her Intention. She told him, That it was
 'a difficult Thing to practise, however, if
 'he kept his Word, and they two lived to-
 'gether in this World in Virginity, she
 'would give him part of the Power promi-
 'sed her by Jesus Christ, when she gave
 'herself to him, and vowed to be his Spouse
 'and Servant. He renewed his Promise
 'assured her he would effectually perform
 'it, and having taken each others Hand
 'in sign of Agreement, they fell asleep.
 'They lay together in the same Bed many
 'Years after, without the least Infringement
 'of their Vow of Chastity, which was not
 'known till after her Death, for she died
 'first. Her Husband gave her a decent
 'Funeral, suitable to her Quality, and while
 'they were placing her in her Tomb, he
 'spoke these Words with a loud Voice.
 'return thee Thanks, O Lord God Eternal, that
 'I have restored to thee this Treasure as entire
 'as I received it from thee.' The History
 adds, that she replied with a smiling Coun-
 tenance (for you must know they had no
 Coffins in those Days) *And why, says she, do*
you reveal a Secret without being asked. But as
 this is no Article of Faith, a Man may dis-
 believe it without endangering his Salvation.

* *Nicephorus Callistas*, and the † *Tripartite History* tell much the same Story, of a certain *Egyptian*, whose Name was *Amon*, and who afterwards retired into a *Monastery*. The Difference was this, that here the Husband accosted the Wife, and perswaded her to keep her Chastity, and which perhaps was the greater Miracle of the two.

But it is most certain, this was actually the Case of the Emperor *Henry*, and his Empress *Chunegunde*, who lived together after the same manner as the young Gentleman of *Auvergne* did with his Wife, as I have just now related. *Chunegunde*, was a Princess very young, and of admirable Beauty, however, having told her Husband that she had made a Vow of Chastity, he lived with her no otherwise than as with a Sister. When he was upon his Death-Bed, he spoke these Words, publicly, before all the Lords and Princes of the Court. *A Virgin* (says he) *you gave me, and a Virgin I restore her to you*. And for this, says Monsieur || *Godeau*, they were both Canonized by *Eugenius* the 3d.

Much the same may also be said of *Maccian*, who lived like an Eunuch with his Wife *Pulcheria*; and of many others, but these Examples are sufficient. If any one has a mind.

* *Lib. 8. cap. 41.*

† *Lib. 1. cap. 12.*

|| *Elog. 5. des Empeurs. Elog. 9. des Imperatrices.*

to see a greater Number, let him read the 7th Chapter of the 4th Book of *Marulie*, and the 9th Book of the History of *Cromerus*, in which he will find the History of *Bobislaus* the 5th, and his Wife *Cunegonde*, who by mutual consent, lived all their Life long, together, in perfect Continence, which gave Occasion to *Clemens Latinus*, a Pole, to make this Distich.

*Conjage consenuit cum Virgine Virgo Maritus,
Addictus studiis Casta Diana tuis.*

C H A P. VIII.

*What Rank those that were real Eunuchs
held in Civil Society.*

AS the World ever made a vast difference between Eunuchs that were born Eunuchs, or have been so as soon as they were born, or have been forced by Violence as in more advanced Age, and those who have voluntarily made themselves so, it is very necessary to distinguish them in this Work. I shall therefore accordingly range them into two distinct Classes, and then examine what Rank Eunuchs, that have been forced to be so, have held in Civil Society.

To give a full and exact History of this Matter, in all its Circumstances, as might possibly be, would far exceed the Limits I have propos'd to my self in this Examination. I shall therefore only say, that it appears, both in sacred and prophane History, that Eunuchs have possess'd the highest Employments and Offices in Courts, and have had the Ear and Favour of their respective Princes. I shall content my self with a few Examples.

I shall say nothing of those odious Motives, which induc'd Princes heretofore to be in love with Eunuchs. All the World knows the History of *Sporus*, whom *Nero* caus'd to be gelt, and whose Folly was so extravagant, that he endeavour'd to change his Sex; he made him wear Woman's Cloaths, and afterwards married him with the usual Formalities, settl'd a Dowry upon him, gave him the nuptial Veil, and kept him in his Palace in quality of a Woman, which gave birth to this pleasant Saying, *That the World would have been happy had his Father Domitian had such a Wife.* In short, he caus'd this *Sporus* to be dress'd like an Empress, had him carried in a Litter, and attend'd him to all the Assemblies and publick Fairs of Greece, and at Rome to the *Sigillaria*, and Squares of the City, where he kiss'd him every Moment. I relate only this Example, because I have hinted enough of this in the 5th Chapter of this first Part.

In the Book of *Esther* * we find that Eunuchs were the ordinary Officers of King *Abasuerus*, and in the 3d Verse of the next Chapter, that *Hege*, a Eunuch, had the particular Care of the King's Women. There were two others, whose Names we find, were *Bigthan* and *Taresh*, and their Office was to keep the first Entrance of the King's Palace. The History of *Judith* tells us, That he that attended on *Holifernes*, and had the immediate Care of his Person, his Tent and Baggage, was an Eunuch, named *Bagoas*. The Eunuch of Queen *Candace*, who was baptized by St. *Philip*, was one of the principal Officers of that Princess, her Chief, or High-Treasurer. The General that commanded the Forces of *Zedekiah*, King of *Judah*, was an Eunuch.

Cyrus, after he had conquered all his Enemies, taken *Cræsus* and *Sardes* Prisoners, and reduced the City of *Babylon* to his Obedience, set up his Residence in the Royal Palace of the greatest City in the Universe : But considering the People looked upon him but with an evil Eye, he thought fit to secure his Person with a strong Guard, and yet he chose only Eunuchs for that Employment, as well as for all the Offices of his Household. His Reasons for so doing, are set forth at large

* Chap. I. ver 10

towards the end of the sixth Chapter of the seventh Book of *Cyropedia*.

* Eunuchs had the Care of bringing up, and educating Children; they instructed them in all Sciences, and polite Learning; and all these different Employments gained them the greatest Respect and Honour in the World. Kings and Princes, whether they had been their Pupils, or not, had yet a particular Value and Respect for them, and repos'd in them a great deal of Trust and Confidence; and these Eunuchs very often made such Advantage of those Favours, that they insensibly became themselves, in effect, Masters of the State and Government, and frequently abused their great Trusts, by which Christianity has too often smarted. Courts swarmed with this Sort of People, who got themselves into all the principal Posts and Employments.

A convincing Argument of this Truth, may be drawn from the Court of the Emperor *Constantius*, which was full of Eunuchs, and they were Masters of all Affairs in the Government. Of which Court, we cannot draw a more natural Picture, than from what Monsieur *Herman* says, in his excellent Life of St. *Athanasius*. The Authors, whose Assistance he made use of in that Work, he has

* Plato de leg. lib. 3.

put down (as I shall do) in the Margin, *Befae*, that *Arian* Priest (says he) would presume to attack the Emperor; he had the Address to gain those that were about him; for the Familiarity he had with the Emperor, having made him known to the Empress, he insinuated himself into the Acquaintance of the Eunuchs, and particularly of *Eusebius*, who was at the Head of that Effeminate Tribe, and one of the most wicked Persons living. † Having prejudiced this Eunuch in his Favour; by his means he soon gained the rest. In short, in time he infus'd his Poison into the Empress, and the Ladies of the Court, which made St. *Athanasius* say, The *Arians* made themselves a Terror to the World, being supported by the Interest and Credit of the Women.

After this, it was no hard Matter for him to gain the Emperor, who was himself a Slave to his Eunuchs, of whom his Court was full, and he followed in every Thing the Advice and Counsel of those lewd Wretches.

But whatsoever Credit and Interest the inferiour Eunuchs might have, it is certain, it was nothing, in Comparifon, to that of *Eusebius*, who was High Chamberlain, or

† Ammian. Marcellin. lib. 18.

chief Eunuch to the Emperor ; these, in
 respect to him, were but as little Serpents,
 that could only crawl and hiss, while *Eusebius*, like a Dragon, held high his proud
 and lofty Crest ; and in reality, * made
 himself so formidable by his Power, that
 according to Historians, to conceive a true
 Idea of him, it will be sufficient to say,
 That *Constantius* reposed so much Confidence
 in his Administration, and he was
 arrived to such a prodigious height of Glory
 and Power, that those of his Party
 were so vain, as to flatter him with a
 Title due only to God, and called him *the*
Eternal King †. They have given us like-
 wise a full Description of his excellent
 Qualities. He was, say they, of an in-
 supportable Vanity, equally unjust and
 cruel ; he punished, without Examination,
 those that were convicted of no Crime at
 all, and made no difference between the
 Guilty and the Innocent. || Prophane
 Authors are full of Complaints against the
 Malignity, and Tyrannical Government of
 this *Eusebius*, and other Eunuchs of *Con-*
stantius ; but they only considered the E-
 vils that thereby arrived to the State. And
 we have Reason to bewail and deplore

* Ammianus Marcellin. lib. 15. † Ibid. lib. 8. cap. 15.

|| Julian, *Imperat. ad Atheniens.* p. 501.

those which the Church suffered by their Violence and Injustice.

* We have seen (says St. *Athanasius*) these voluptuous and effeminate Persons, whom Men of the World will scarce trust with the least Affair in relation to their Families, and whom the Church has entirely excluded from her Councils, according to her holy and inviolable Canons, yet we have seen these very Men Masters and Sovereigns of all Church Affairs, and lord it over her in their Judgments, for *Constantius* has had no Will at all but what they inspired him with; and those who wore the Name of Bishops, thought it honourable and meritorious, to be the Ministers, and faithful Executors of all their Passions, and act those Theatrical Parts these despicable and corrupt Wretches shall at any time compose. Let us now see who were the Cause of all the Evils and Disorders the Church then suffered, and these were (says † St. *Athanasius*) undoubtedly most worthy to be the Protectors of the *Arian* Heresy, and the Enemies of the Divine Fecundity of the Eternal Father.' Let us hear how that Holy Person proceeds. *Eusebius*, the Eunuch, says he, being arri-

* *Athanas. ad Solitar. pag. 834, 835.* † *Pag. 8. 52.*
 & *Herman vie de St. Athanas. liv. 7. ch. 10.*

' ved in *Rome*, lost no Time, but immediately went to *Liberius*, and solicited him to subscribe the Condemnation of *Athanasius*, and joyn himself to the Communion of the *Arians*, telling him, that it was the Emperor's Pleasure, and he had express Orders to tell him so; and after having shewn him the Presents which he had brought to allure him, he took him by the Hand, and said to him, *Be perswaded by the Emperor, and accept what he sends you.* But that Holy Bishop courageously defended himself, and justified his Resistance by this Discourse [which he inserts at length] You see, says he, what Answer *Liberius* gave *Eusebius*; but that Eunuch was less troubled at his refusal of subscribing that Condemnation, than in finding him an Enemy to the *Arian* Heresy; and not considering that he was in the Presence of a Bishop, after having given him several high Threats, he left him, taking with him the Presents he brought to offer him.

' This generous Action of *Liberius* added new Fuel to the Transport and Rage of this Eunuch, that he provoked the Emperor, by telling him, That he need not for the future be so uneasy, because *Liberius* would not subscribe the Condemnation of *Athanasius*, but rather, because he was ever so very averse to *Arianism*, which was so odious to him, that he pronounced

' *Anathema's* against several of the *Arians* by
 ' Name. By such like Discourses he like-
 ' wise inflamed the other Eunuchs, of which
 ' there was a vast Number at the Emperor's
 ' Court, without whom he could do nothing,
 ' but with them every Thing he desired.

' Upon this (continues St. *Atanasius*)
 ' *Constantius* wrote to *Rome*, and sent thither
 ' several Officers of his Palace, Secretaries
 ' and Lords, with Letters directed to the
 ' Governor of *Rome*, by which he gave him
 ' Orders to surprize *Liberius* by Stratagem,
 ' and send him to his Court, or if that fail-
 ' ed, to use open Force and Violence. This
 ' put all *Rome* into the utmost Consternation,
 ' and there was scarce a Corner but there
 ' were Ambushes laid to take *Liberius*. How
 ' many Families were threaten'd? How
 ' many Persons received Orders to seize
 ' that Holy Person? How many Bishops
 ' hid themselves when they saw Matters
 ' come to this Excess? How many Ladies
 ' of the highest Rank and Quality retired
 ' into the Country, on Account of the ma-
 ' ny malicious Calumnies the Enemies of
 ' *Jesus Christ* raised against them? How
 ' many religious Persons were exposed to
 ' their Rage? How many Persons were
 ' persecuted, who had retired to pass the
 ' remainder of their Days in privacy and
 ' solitude? With what Care did they fre-
 ' quently guard the Gates and Ports, least
 ' any

any of the Orthodox should come in to see
Liberius! Rome then knew, by Experience, what was the Conduct of those impious Wretches, that declared War even against Jesus Christ himself; then she found, that to be true, which till then she could scarce believe, and was fully convinced, what had been reported to her, how they had over-turned all other Churches that lay in their way in so many different Parts of the World.

It was the Eunuchs which caused all these Disorders, and were the chief Authors of all the Excesses which others committed; and in reality, it ought to be wondered at, that as the *Arian* Heresy made Profession of denying the Son of God, that it should support it self by the Credit of Eunuchs, who being naturally unprolific, and no less barren in their Souls, in relation to Acts of Piety and Virtue, than in the Body, could not bear to hear the Son of God mentioned.

Indeed it is true, the Eunuch of the Queen of *Ethiopia*, though he could not comprehend what he read, yet upon St. *Philip's* Instructions, believed in the Divine Saviour. But the Eunuchs of *Constantius* could not bear that Confession of his Divinity which had been theretofore made by St. *Peter*. Nay, they oppose even the Eternal Father, who had declared that
Christ

' Christ was his beloved Son, and vent their
 ' utmost Rage against those who say he is
 ' truly the Son of God; and 'twas for this
 ' very Reason they were forbidden by the
 ' Law to be admitted giving Judgment in
 ' Ecclesiastical Matters. But the *Arians*
 ' have made them Supreme in Spirituals;
 ' *Constantius* pronounces nothing but what
 ' is agreeable to them, and those who bear
 ' the Name and Characters of Bishops, speak
 ' not a Word, and behold these Disorders
 ' with Dissimulation. Alas! who will there
 ' be to write one Day this History, and
 ' transmit to Posterity a Relation of so ma-
 ' ny sad and dreadful Events? Who hereafter
 ' will believe, that Eunuchs, which we
 ' hardly trust with our domestick Affairs,
 ' and whose Service is liable in such Cases
 ' to be suspected, being a Sort of People
 ' that love nothing but their Pleasures, and
 ' whose End is to hinder others from enjoy-
 ' ing what Nature has refused them, are
 ' now those who govern Churches?

on This Saint, we see, showed a just Indig-
 nation against Eunuchs, who were then ab-
 solute at Court, and had made themselves
 execrable, not only in their Days, but
 to all Posterity. *Arianism* had by their
 Means so spread its Poison, that at that time,
 amongst the Orthodox, as St. † Gregory Na-

† St. Greg. Naz. Orat. 3 L.

zianzen observes, to call a Man impious, or an Eunuch, was the same Thing. And their Violences were so odious, even to the very Pagans, that *Ammianus Marcellinus* writes thus of them, that being Persons always fierce and ill natured, and having no domestick Tyes and Obligations, and natural Engagements, like other Men, they caressed their Riches, which they looked upon as their dearest Children.

* *Monsieur Herman* (from whom I have taken this Account) says, that this Controversy was so famous in After-times, that even Heathen Authors took notice of it; but that he had rather borrow from the pure Fountain, than dip into those troubled Rivers; and as he with Reason preferred the Testimony of *St. Athanasius* to all other Authors of that Age, he believed he ought to begin that important Relation from his Words.

Eunuchs had been very powerful in the Days of *Constantine* the Great, Father to this Emperor *Constantius*; he preferred them to the highest Honours, and called them his Friends; but when he came to be informed, and was satisfied they were pernicious to the State, he soon humbled them, and reduced them to the Management only of Domestick Affairs.

* *Liv. 7. Chap. 10.*

* There is a Law in the *Theodosian Code*, which says, that the Empire groaned under the Oppression of this Sort of People, and dared not complain; but when the Emperor knew it, he published this Law, by which he permitted every Body to come and tell their Grievances, and promised to hear himself what could be alledged against the Eunuchs; and that if they were convicted, would punish them accordingly. He obtained that they should be excluded the Priesthood in the famous Council of Nice, which was assembled in his Days. But though they were, as I may say, degraded and deprived of all manner of Employments, both Civil and Military; yet as they attended on the Emperor, and had his Ear, they were still very formidable, and People stood in fear of them till such time as they were entirely removed.

Licinius, who was his Ally, and for some time Partner in the Empire, mortally hated them, and called them *the Moths and Vermin of the State*; but as † *Licinius* was a Tyrant, and a Prince who had made himself odious on several Accounts; that which he did out of particular Views and Motives, ought not to be drawn into Consequence.

* *Lib. 9. Tit. 1. l. 4.*
Lib. 10. Cap. 8.

† *Euseb. Hist. Eccles.*

* *Alexander Severus* had no greater kindness for them, he used to call them *Terrum Hominum genus*, and though his Predecessor *Heliogabalus* had been their Slave, and was himself an Eunuch; yet this Emperor humbled them, and reduced them to a very small Number. He gave several of them to his Friends, and to shew how little he valued them, he told those to whom he gave them, that if they did not behave themselves better than hitherto they had done, they might kill them without being called to an account by the Government. He is very much extolled in History, for not imitating the Kings of *Persia*, who permitted themselves to be governed so much by these People, that they were scarce ever seen by their Subjects, who could not address themselves to their Prince, or receive any Answer from them, but by passing through the Hands of Eunuchs, who told them what they pleased, and very frequently represented things quite contrary to what they were, and took great care that the King should know nothing but what they thought good to let him know, which was the Cause very frequently of great Inconveniencies, for they gave Prince and People what Impressions they pleased.

* *Ælius Lampridius.*

The

* The History of *Orsines* proves sufficiently this Truth; *Orsines* was descended from *Cyrus*, and the greatest Lord of *Persia*, and of the most noble Blood in all the East; he made great Presents to the Principal Officers in the Court of *Alexander* the Great, and neglected *Bagoas*; some Persons took the Liberty to tell him, he did ill in not doing it; he replied, he honoured the King's Friends but not his Eunuchs; and that in *Persia* those sort of People were used after a different manner than they were in *Greece*. This Discourse having been told *Bagoas*, he swore he would be the ruin of *Orsines*, who was a Person of an unspotted Character, and he was as good as his Word; for, in short, he told *Alexander* so many false Stories against him in private, that he so effectually provoked *Alexander*, that *Orsines* was chained, and imprisoned, and condemned to die. *Bagoas* was not content to bring an Innocent Person to Punishment, but had the Impudence to strike him as he was going to Execution. But *Orsines* looking upon him with a Countenance full of Indignation, told him he had often heard that Women formerly rul'd in *Asia*, but it was a new Thing to see the Reign of an Infamous Eunuch.

* *Quint. Curt. Lib. 10. Cap. 1.*

Alexander Severus being thoroughly convinced of the Disorders that were caused in the State by the Eunuchs, effectually brought them down, and reduced them almost to nothing. These Eunuchs would know every thing that passed at Court, and would make People believe that no Body knew it but themselves; if any Favour was to be obtained of the Prince, Application must be made to them. The Governments of Provinces were got by their Interest, and they sold for ready Money what the Prince bestowed *Gratis*. This Emperor loved Solitude, he would commonly after Dinner be alone, and at certain Hours in the Morning, and would see no Body. *Vetronius Turinus*, (an Eunuch) knew so well how to make his Advantage of these Retirements of the Emperor, and make People believe, that at these Hours he did what he would with *Severus*, and could perswade him to do what he pleased; that every Body made their Court to him, and he in Return, made large Promises to grant them every thing they desired, and by this means heaped up immense Riches. But as it was no ways true, that the Emperor was such as he represented him to be, and that he had no such Credit with him as he had made his Boasts, he kept his Word with no Body, which occasioned great Murmuring and Discontent. This Conduct of

Tu-

Turinus being at last made known to the Emperor, he commanded every one to come and make good their Accusation against him; which discovering what he had promised, and not performed, and what vast Sums he had got together on that Account; *Severus* made him be fixed to a Stake in the High-Way, which was surrounded at a distance with a slow Fire, made of Green Wood, and suffocated him with the Smoke; and while he suffered this Punishment, there was a Man that cry'd out with a loud Voice, he who sold Smoke is now punished with Smoke, *Fumo punitur qui vendidit fumum* *.

Eunuchs were in much greater Esteem for some time under the Reign of *Constantine*; and yet much more under *Constantius*, as I observed before: But neither this Prince nor his Brothers were either loved by their Subjects, or dreaded by their Enemies, as their Father *Constantine*; and they could scarce support part of that Burden, the whole of which he himself alone bore with so much Glory, but in their Reign, the Eunuchs were in Place and Credit.

It seems too, they were in favour in the time of *Theodosius* the Younger, for we find in the Code, which was made by his Or-

* *Ælius Lampridius in Severum.*

der; that whereas those who obtained from the Crown any forfeited Goods, or Estates, were obliged to pay half the Value into the *Fiscus* or Treasury, he dispensed with the Eunuchs from this Obligation, and let them keep all. And * *Zozimus* observes, that this Favour of the Emperor gave Occasion to the Eunuchs to commit a thousand remarkable Frauds, for they told the Prince, that those People, whose Goods they begg'd as confiscated and forfeited, died without leaving any Widow, Children, or Relations, which often caused the utter Ruin of many Families, and Tears, and Lamentations to the Lawful Inheritors, which commonly were old Widows, sickly and infirm, and innocent Orphans. It is true indeed, that he put out an Edict forbidding Eunuchs to be of the Number of the *Patricii*, or Chief Nobility; but in this he had his particular Views, being only to disgrace *Antiochus*, who thereupon was forced to shut himself up in a Monastery.

† *Lucian* tells us, that *Philaterus*, who was the first Prince of *Pergamus*, was an Eunuch, and that he lived Fourscore Years. There was another Prince an Eunuch, whose Name was *Hermias*, who could never bear any Body should talk of a Knife in his Pre-

* *Lib. 5. pag. 800.*

† *Lucian. Macrob.*

sence, nor of cutting, because he imagined that those Words were meant of him as being an Eunuch.

* If an Extract of a Letter written from *Batavia* in the *Indies*, dated the 27th of *November*, 1684 (as may be seen in a Letter of *Monsieur de Fontenelle*, which was received in *Rotterdam* by *Monsieur Basnage*, gives a true Account of a certain Adventure in those Parts, as may very well be believed, since *Monsieur Bayle* has thought fit to relate it not as a Thing fabulotis, but as if he believed it certain; so far ought we to be from suspecting the Truth of it. There is somewhat very particular, which is this: *Mreo* Queen of the Isle of *Borneo*, would have all her Ministers be Eunuchs. The Princess *Eenegu*, who disputed her Right to the Throne, on the contrary, would not suffer an Eunuch at her Court. But as we do not yet know what Success the Wars and Contests of these two Princesses may have, nor by Consequence which of them at present enjoys the Kingdom, so we are not certain whether the Ministry of the Isle of *Borneo* be composed of Eunuchs or not. We can only say, that *Mreo's* Conduct is exactly like that of *Plautus*.

* *Nouvelles de la Republique des Lettres Janvier* 1686. Art. 10. Tom. 5. p. 87.

tiannus, who in the Reign of the *Antonini* castrated all those who were to serve in the Family of his Daughter *Plautilla*, whom *Caracalla* had married, not sparing Men any more than Boys, as may be seen in the Collections of *Constantine Porphyrogenitus* upon *Dion*.

A Man must have very little Knowledge in the *Turkish* History, that does not know that Eunuchs are those who generally arrive to the highest Posts of Honour in the State, which, properly speaking, are possessed very rarely by any besides. The two most famous *Bassa's* that acquired the greatest Reputation in those Wars, so much celebrated in History, were Eunuchs. One was called *Hali*, and the other *Sinar*. It is said, that *Hali* was a Person of much Wit and Humour, and had nothing of the Sourness and Moroseness of Temper, so common to the generality of Eunuchs; and a certain Author * tells us, that he could not help being very pleasant with a Courier, who brought him the bad News of the Loss of *Strigonia*, which was taken by the Christians in the Year 1556. telling him, that he had another-guise Loss when they took from him the most important Piece he had. And *Paulus Jovius* tells us, that *Sinar* was castra-

* *Thuanus*, lib. 17.

ted by a Hog, which tore off his Instru-
ment, and devoured it when he was a Boy
lying asleep in the Shade.

What has been said in this Chapter, on-
ly concerns what Rank Eunuchs have held
in civil Society, in Relation to Sovereign
Princes. Let us now see what Idea the
People had of them, which shall be the Sub-
ject of my next Chapter.

C H A P. IX.

What Notion the People had of Eunuchs

THE Eunuchs having abused the Fa-
vour of their respective Princes, as
we have seen in the foregoing Chapter, and
made themselves so many merciless Tyrants
to their fellow Subjects; it is not in the
least to be doubted, but these oppress'd Peo-
ple had their Oppressors in utmost Horror
and who were consequently infinitely much
more feared than loved.

But it is not the Design of this Treatise
to discover what Sentiments these People
might have of their Servitude or Oppression,
or of the Credit of those Eunuchs that ex-
ercised so much Tyranny over them. The
Question here to be examined, is only what
Notion or Idea the People entertained of an
Eunuch,

Eunuch, as an Eunuch, and not of an Eunuch as a Tyrant.

And History informs us, that they not only utterly despised and hated, but that they could not abide so much as to see them.

Eunuchs according to the Prophet *Isai-* are only *dry Trees* *. They are *smitten*, as another † Prophet said of *Ephraim*) *their Root is dried up, they shall bear no Fruit*. Trees that ought to be cut down, and destroyed, and their Remembrance be for ever blotted out; *why do they || cumber the Ground*? There is scarce any one but would willingly give the first Stroke to cut them down, or pluck them up by the Roots, to abolish for ever this abominable Practice out of the World; these are imperfect Creatures, in a Word, Monsters, to whom Nature indeed has been sparing of nothing but the Avarice, Luxury, or Malice of Men, have disfigured and deformed.

If they have sometimes been raised to the highest Pinacles of human Glory, and ask'd in the Sun-shine of this World; the People look'd upon them as so many Erroneous Productions of the depraved and corrupted Minds of Princes, who elevated

* *Isaiab, Chap. 56. v. 3.* † *Hosea, Chap. 9. v. 16.*

|| *S. Luke, Chap. 13. v. 17.*

them to those high Stages of Honour, and when they appeared in Publick, they only encreased and augmented the Hatred and Aversion the People had for them, who laughed at them amongst themselves, calling them old Women, &c.

* *Omnia cesserunt Eunuchi Consule monstrata
Heu, terræ cœliq; pudor! Trabeata per urbes
Ostentatur anus, titulumq; effeminat anni.*

— — — *Quibus unquam Sæcula terris
Eunuchi videre forum.*

— — — *Nunquam Spado Consul in Orbe
Nec Judex Ductorve fuit, quodcunq; virorum
Est Decus, Eunuchi scelus est.*

— — — *A fronte recedant
Imperii, tenero tractari pectore nescit
Publica Majestas, unquam vel in aquore puppis
Vidimus Eunuchi clavo parere magistri
Nos adeo sperni faciles? Orbisq; Carina
Vilior?*

All the World knows, *Caligula* made his Horse Consul, and obliged People to pay him the Honours due to that Dignity; and afterwards the Emperor *Arcadius* took

* *Claudian in Eutrop. Lib. 1.*

fancy likewise to make *Flaccus Eutropius* Master of his Wardrobe, and an Eunuch Consul, who was the first, or more properly speaking, the only one of that Quality that ever held that Employment. We have seen in the above-cited Verses out of *Claudian*, what Value they had for this *Eutropius*, on whom, as soon as he was nominated to be Consul of *Rome*, that Poet made a very sharp Satire, and represented him (as we have seen above in the Verses quoted) as an old Woman invested with the Honours of the Consulship.

Those who are the least acquainted with Ecclesiastical * History, know after what manner *John Bishop of Constantinople* declaimed against this same *Eutropius*, and how much he contributed to his Ruin. He had an End worthy of himself and his Inhuman Actions. This Eunuch having an Intention to punish some Persons who had taken Sanctuary or Refuge in the Churches, he prevailed upon the Emperor to publish a Law, that no Body should take Refuge in Churches, and permitted his Officers to take thence those who had done so. This was looked upon in those Days as a Piece of the highest Injustice to violate those Privileges of the

* *Socrat. Hist. Ecclesiast. Lib. 10. Chap. 5.*

People; but *Eutropius* not long after, had a Reward suitable to his Deserts, for scarce had this Law been promulged, before he fell into Disgrace with the Emperor, and was forced to take the same Sanctuary as others, and hid himself under the Altar, where while he lay trembling for fear, the Bishop got up into the Pulpit, and inveighed bitterly against him. The History adds, that the Emperor caused him to be beheaded, and put his Name out of the List of the Consuls, and razed and defaced out of the Registers this Law which he had prevailed upon him to publish. The Discontent of the better Sort of People, on account of his being advanced to this high Post of Honour, was the Cause of his Ruin. In short, *Gaius*, the Emperor's General, revolted when he saw this Eunuch shining in all his Consular Glory, and would not return to his Obedience, till the Emperor had sent him *Eutropius's* Head.

The People compared this *Eutropius* to *Gorgon*, because he had so much Address in all his Designs, as few People could guess at his Measures, he was looked upon as one of those Plagues that then raged in the Courts of Princes. He sold all the Offices in the Magistracy, disposed of Governments of Provinces in favour of those he best liked, and not content to see himself made Consul, he endeavoured to make him-
 self

self Master of the Empire. He was insolent even towards his Prince, and fell into Disgrace for having spoken very disrespectful-ly of the Empress.

But the People did not only despise Eunuchs, but they had a perfect Hatred and Aversion to them, and if the Name at first pass'd for a Title of Honour, it grew at last to be very injurious; and one could not more sensibly affront a Man than by calling him *Eunuch*. Eunuchs were of such an evil Augury amongst the Heathens, that * *Lucian* in more than one Place assures us, that they made many People that met them, turn suddenly back to their own Houses, who would rather go home than prosecute their Business that Day, as having met what portended to them some Disaster, or somewhat very unlucky. This is agreeable to what † *Pliny* says, in relation to Animals having an Aversion to any of their own Species that should happen to be gelded. He observes, that if one gelds a Rat, that he makes all other Rats run away from him, and that they will sooner abandon their usual Haunts, than let him come amongst them. But surely this was not the Motive that induced *Diocles* to exclude *Bagoas* from teaching Philosophy.

* In *Pseud.* & in *Eunuch*.† *Lib. 3. cap. ult.*

C H A P. X.

After what manner the Civil Law has considered Eunuchs, and what Rights and Privileges it allowed them.

THE Emperor *Domitian*, in the Beginning of his Reign, severely forbid all Persons, as well within, as without the Limits of the *Roman Empire*, to dare to make Eunuchs, which before was too frequently practis'd. Thus *Martial* compliments this Emperor on that Edict or Decree.

* *Lusus erat Sacrae connubia fallere tade
Lusus & immeritos executisse Mares
Utraq; Tu prohibes, Caesar, populisq; futuris
Succurris, nasci quos sine fraude jubes
Nec Spado jam, nec Machus erit te Praeside quisquam
A Prius, O Mores ! & Spado Machus erat.*

This Law or Decree of *Domitian* was so well relished by the People, and looked upon as an Action worthy a wise and generous Prince, that *Martial* on that occasion inscribes to him this fine Epigram.

* *Martial. Lib. 6. Ep. 2.*

* *Tibi summe Rheni Domitor, & Parens Orbis
 Pudicè Princeps, gratias agunt Urbes
 Populos habebunt, parere jam scelus non est
 Non puer avari Sextus arte Mangonis
 Virilitatis damna maret erepta.*

However, it is certain, his Motives were not so commendable, for he only made that Prohibition to mortify his Brother *Titus*, who had no small Kindness for Eunuchs, as *Xiphilinus* and *Dion Cassius* observes in his Life. *Suetonius*, 'tis true, does not mention this particular, but it is no less certain for all that. However this Law or Prohibition is not put into the *Code*, under the Name either of *Domitian* or *Nerva*, who afterwards made the like Decree, but under the Names of † *Constantine* and *Leo*.

The famous and learned Monsieur *de Leibnitz*, to whom I proposed this Difficulty by way of Conversation, effectually cleared up this Matter, by telling me, that this Law was put under the Names of these two last Emperors, because they had revived it, tho' History assures us, they were first of all published by *Domitian* and *Nerva*, which has been the Case of several other Laws, as those made against Duels, which have pas-

* *Martial. Lib. 9. Ep. 7.* † *Tit. 8. Lib. 48. ff.*

fed for the Acts of modern Princes, who renewed and re-published them, though we know by History, that other Princes, many Ages before, had given them their People.

The Emperor *Adrian* improved upon this Decree or Constitution, for he not only prohibited making those Eunuchs by force, who did not desire to be so, but also making them Eunuchs who did desire it. There are three Laws successively upon this very Subject in Title 8th, * *Ad legem Corneliam de Sicariis & Veneficiis*. The first is in these Terms, viz. *Constitutum quidem est ne spadones fierent, eos autem qui hoc crimine arguerentur Cornelia legis pena teneri, eorumq; bona merito fisco meo vindicari debere; sed & in servos qui Spadones fecerint ultimo supplicio animadvertendum esse. Et qui hoc crimine tenentur si non ad fuerint, de absentibus quoq; tanquam lege Cornelia teneantur, pronunciandum esse. Planè si ipsi qui hanc Injuriam passi sunt, proclamaverint audire eos Praeses provinciae debet, qui virilitatem amiserunt; nemo enim liberum servumve invitum scientemve castrare debet; neque qui se sponte castrandum praeberet. Ac si quis adversus Edictum meum fecerit Medico quidem qui exciderit capitale erit item ipse qui se sponte castrandum praebeuit.*

* Tit. 8. Lib. 48. ff

The Words of the Second are, *Hi quoq; qui Tblibias faciunt ex Constitutione D. Hadriani ad ninium hastam in eadem Causa sunt quâ hi qui castrant.*

And the Third has these Words, *Is qui servum castrandum tradiderit pro parte dimidia bonorum mulctatur ex Senatus Consulto quod Neratio Prisco & Annio Fero Consulibus factum est.*

By which severe Penalties inflicted by these Laws, some of which were Capital, at least Confiscation of one Moiety of the Goods of those that should at any time be convicted; it plainly appears, that Castration was looked upon as a thing shameful, odious and highly prejudicial to Society, as well to the Agent as the Patient in this cruel and unnatural Operation.

* *Qui hominem, libidinis vel commercii causâ castraverit Senatus Consulta penâ legis Corneliae punitur.* † *Et si puerum quis castraverit & pretiosorem fecerit Vivianus scribit cessare Aequiliam, sed Injuriarum erit agendum, aut ex Edicto Edilium, aut in quadruplum.*

This Word *Pretiosior* is somewhat obscure, for I cannot well comprehend how any one who is mutilated, and degraded (if I may so say) from the Quality of a Man,

* L. 3. §. 4. Tit. eod.
2. l. 9. ad legem Aquiliam.

† Lib. 26. Sect. 28. Tit.

should on that Account be *more precious* than he was before. But I suppose the meaning of it was this, that as Eunuchs were beloved and caressed by Princes, who often advanced them to the highest Honour in the State; their Condition in that respect was rendered *more considerable*, as appears in the Code *ad Legem 4. de Prepositis Sacri Cubiculi.*

But the Emperor *Justinian* who reigned afterwards, and who considered thoroughly the Evils which might continually grow to the State by that Custom, as well as to particular Persons, repeated the same Prohibitions in his Code*, wherein he decrees, that he who gelded any one should be punished as one guilty of Murder, *tanquam Homicida puniatur ille qui castrat aliquem*; that is, should loose his Life, it may be said, that *Homicida* only means one guilty of *Man-slaughter*, not Murder; but it must be observed, that the *Roman* or Civil Law never made those Distinctions as we do, all *Man-slaughter* with them was Murder, and *Homicidium* with them, amounted to as much as what is *Murdrum* or *Murderium* with us.

And the same Emperor in two Chapters of his Novels, (before which is a curious

* Lib. 4. tit. 42. l. 1. † Authent. Coll. 9 tit. 24.
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Preface, which contains his Motives) he treats this Action as impious, lewd, shameful, dishonest and criminal; and says, that this Crime has been committed on a Multitude of People, few of whom have recovered, ~~for~~ Three as he knew out of Four-score and Ten; he looked upon these Acts of Castration, as so many Murders, as Actions quite opposite to the Intention of God and Nature, as well as the Intention of his own Laws. He prohibited under severe Penalties in his Code, which I just now mentioned, the selling or buying *Romans* that had been made Eunuchs, either in the *Roman Empire*, or in foreign Parts; he likewise forbad, under pain of Death, to make Eunuchs in the *Roman Empire*; and whoever should permit his Slave to be made an Eunuch should forfeit to the Imperial Treasury or Exchequer, the half Part or Moiety of his Goods and Estate.

* The Emperor *Leo* has declared himself against it in much stronger Terms, *Virtutis*, says he, *a Deo Naturæ inditæ executio non minore cum audaciâ identidem committitur quam si apud Deum nulli penæ obnoxia esset cum tamen vel maxime sit. Et quanquam veteribus legislatoribus cura fuerit ut id malum ultrix lege excideretur quo respublica ab istiusmodi invento*

* *Lesq. Constit. 60.*

munda esset, haud scio tamen, cum si qui alii, huic certe prescripto obtemperari, atq; a natura mutilatione abstineri equum sit, quamobrem non ita faciant homines, sed tanquam utilitatem quandam istiusmodi adversus generandi vim, insidias reputantes membra quæ hominis nascendi causam suppeditant, laucinent, & creaturam aliam, quam qualis Conditoris sapientiæ placuerit in Mundum introducere contendant. Hoc igitur cum in ultum relinquendum non putemus, lege in id penam constituentes, quibus adeo Divinam creaturam deformare Religio non est, eorum audaciam, auxiliante Deo reprimere conemur.

He calls those whom make Eunuchs, *Naturæ juridicatores detestandæ hujus Artis Artifices*, the Assassines of Nature, and the Artificers of this detestable and abominable Art. He accordingly condemns them, and concludes that most excellent Constitution in these beautiful Expressions, that if they bore any Office in the Imperial Family, they should be immediately struck out of the List, *Si in Albo*, says he, *Imperatorii famulatus sit, Artifex detestanda hujus Artis primum albo eximatur.*

A Man who made an Eunuch, was looked upon to be a *Notorius* or *Tabellio*, as one that made a false or counterfeit Deed; and the Place where such Action was committed, was considered as a Place where High-Treason had been committed.

Mornay, who has made an excellent Commentary upon the Title of the Code, which treats *de Eunuchis*, says he read in a French Historian, that a Soldier was punished for having taken from a Friar that which he believed could be of no use to him; an unheard of Action, says the Historian, *quod in audita apud nos fuerat*.

Messire Claude de Ferriere, who also made a Sort of a Commentary upon the same Place, tells the very same History, but he adds his Reflections; and tho' a good Catholick, he says, that there are some People, who say it is much to be wished, that the Church had no other Ministers but Eunuchs. Quod solos Eunuchos haberet Ecclesia Ministros, to prevent those Disorders which we see often committed, as well as those we neuer hear of. It is true, continues he, that there may be a great many who may find their Account in it, if it were so; however I believe it would be much better to let things remain as they now are, and not to do Evil to those who desire nothing but the good of their Neighbours.

But leaving these Speculations, it is most certain, the Civil Law looked upon this Action of making Eunuchs as abominable, and the Eunuch himself as a Monster, and therefore never granted and allowed Eunuchs the Rights and Privileges as other Men had. For Example, they were not permitted to make a Will.

I own the Emperor *Constantine*, who gave them that Privilege, (for he did just as they would have him) put out an Edict in their Favour, whereby it was decreed, that it should be lawful for Eunuchs to make a Will, or Last-Testament as well as other People; and on occasion, add Codicils. *Eunuchis* (says that Edict) *liceat facere Testamentum componere postremas exemplo omnium, voluntates, conscribere Codicillos, salva Testamentorum observantia.* But all the Learned in those Laws, are of Opinion, that this Liberty was restrictive, and only concerned those Eunuchs that were about his Person or the Empress; and it is certain, in whatsoever degree of Favour the Eunuchs were at Court, yet they were still looked upon in reality, to be no better than Slaves; they were ever the Sport of Princes, who very often abused their Services. And the same thing may be said of them as of Monkeys which Ladies are so fond of, and dress them up in Velvet and Brocade.

But it is certain that Eunuchs were debarred the Privilege to make their Wills. The Emperor *Leo* gives a very good Reason for it in his 38th Novel, but more particularly in the Law *Subemus*, which is the Fourth of the Code *de Præpositis sacri Cubiculi, & de omnibus Cubiculariis & privilegiis eorum.* The Title sufficiently shows, that it relates to Eunuchs, but the Terms put it quite

quite out of Question. Nam cum hoc privilegium, says he, videatur principalis esse proprium Majestatis ut non famulorum sicut privata conditionis homines sed liberorum honestis utatur obsequiis, periniquum est eos duntaxat pati fortuna deterioris incommoda, sed testamenta quidem ad similitudinem aliorum qui ingenuitatis infulis decorantur pro sua liceat eis condere voluntate. He nevertheless adds this Reflection, which distinguishes them free Subjects. * Intestatorum vero nemo dubitet facultates, utpote sine legitimis successoribus defunctorum fisci juribus vindicari; and that which evidently demonstrates, that the Eunuchs were by this Law or Ordinance ranged amongst those which are there called Intestati, is the following Sentence in the same Law, viz. *Hac omnia diligentis observatione volumus custodiri cum sponte suaq; voluntate quis dederit Eunuchum sacri Cubiculi Ministeris adhesurum.* We see now, that Eunuchs were upon no better footing than of Slaves, since they were reckoned amongst those who could have no lawful Heirs or Successors; and consequently after they were dead, were by that Law esteemed as Intestate, or as having made no Will at all. It is true, those of them which were of

* L. 6. ff. de Liberis & posthum. hered. instituendis vel exheredandis.

the Prince's Guard were excepted, but this Exception only confirms the general Rule, *Exceptio in non exceptis firmat Regulam*. In general then it is certain, that they could not make any one their Heirs, or be themselves Heirs to any one; and their Estate and Goods after their Death devolved to the Prince's Treasury or Exchequer.

They were also considered as infamous Persons, unworthy of the Privilege and Benefit of the Laws; witness that famous Declaration of the Civilian Paulus. * *Quamvis nulla persona excipiat, tamen intelligendum est de his legem sentire qui liberos tollere possunt; Itaq; si Castratum libertum jure jurando quis adegerit dicendum est non puniri Patronum hac lege.*

They were incapable of the Privilege of Adoption, the Law being express against them in that respect, † *Sed & illud utriusq; adoptionis commune est, quod & ii qui generare non possunt, (quales sunt Spadones) adoptare possunt, castrati autem non possunt.* The difference between Spado and Castratus, I have shewn above in Chap. III.

However, I cannot but own, that the Emperor Leo has (if I may use the Expression) re-capacitated them in Novel 26, by

* L. 6. ff. de jure Patronatus. † Sed. Sed & illud Inst. tit. lib. 1. Tit. 11. de Adopt.

which he enables them to adopt; and the Reason he alledges is very plausible, which is, that as those who have lost the use of their Speech, or are not able to bring the Words out of their Mouths, so as to be understood, are by no means forbidden to make Signs with their Hands, to supply the Office of their Tongue, or write down how they would have their Affairs managed. So neither should those who have lost their Genitals, and so can have no Children, for that reason, be debarred some other Way, to make up their want of them. His Words are, *Quemadmodum cui vocis usus ademptus, quæ linguæ munia sunt per manus ad implere & qui Sermonem labiis fundere nequit, non prohibetur. Ita neque qui quod genitalibus privati sunt liberos non habent horum indigentiam alio modo compensare vetandum est.*

But this notwithstanding does not seem to be conformable to the Rules of Justice; for it is a Maxim of the Civil Law, as well as Philosophy, and good Sense, that *adoptio naturam imitatur*, whence follows, that *pro Monstro est ut major sit filius quam pater*, which would be if this should take Place.

It is certain, the Law has prescribed the Age at which one may adopt in such manner, that the Proportion of Ages should ever be observed; for it would be ridiculous, that in Adoption the Son should be
older.

older than the Father, or not so many Years younger as might be according to Nature; for those Reasons it is said, that Adoption follows or imitates Nature. But how would it imitate Nature in this Case of Eunuchs, to permit one who not only never was a Father, but has not the Capacity or Parts requisite ever to make him so?

Besides it must be observed, that Adoption originally was only permitted to those Persons which once had Children to comfort them, and in some measure to supply that Loss; which Privilege afterwards was extended to those who had no manifest Impediment to hinder them from having Children, but who in effect had the unhappiness never to have any; but it never was allow'd Women to adopt, because they were incapable of the principal Effect of Adoption, which is *Paternal Power*, but yet sometimes they were permitted to adopt by Dispensation, or by Indulgence of the Prince, and that they might be comforted for their dead Children. *Ex Indulgentia Principis ad solatium liberorum amissorum.*

But surely it would be to abuse Adoption, to suffer those People who never had, or ever could have any Children to make use of that Privilege. This is not to imitate or follow Nature, but to surpass it; or rather insult and affront it, to give Children

dren to those who are despoiled of the Means to produce any.

* The Civilians have had so great a regard to these Considerations, that they would not suffer one of those Eunuchs who were permitted to make a Will, to institute a Posthumous Child for his Heir. The Words of *Ulpian* are very plain in this Case in the Law, *Sed est quæsitum* §. 1. *Sed si Castratus sit, Julianus Proculi opinionem secutus non putat posthumum. Hæredem posse instituere, quo jure utimur.*

I must confess, I cannot but wonder that *Schueidevin*, a Person of so much Judgment and Learning, should maintain, That a Eunuch was capable, according to Law, of taking upon him the Office of a Tutor or Guardian. It is true, he seems as if he would be understood to mean those Impotents who have only lost one of those Parts Nature had bestow'd upon other People, and his Comparison gives us room to believe so: For, † says he, as one cannot refuse Wardship to any one under pretence that he has but One Eye, or that he is what the Lawyers call *Morbosus*, certainly he whom they call *Spado*, can on no pretence whatsoever be exempt from

* *Lib. 6. ff. de Liber. & posth. hæred. instituendis vel exhæredendis lib. 29. Sect. penult. de inofficios Testam.*

† *Schueidevin in Institut. lib. 1. tit. 25. Sect. 7.*

executing that Office: And he confirms his Opinion by the * *Spadonem* 2. of the 6 ff. de *Edilitio Edicto* & *Redhibitione*, & *quantis minoris*, which contains these Terms, *Spadonem morbosum non esse, neq; vitiosum verius mihi videtur sed sanum esse, secuti illum qui unum Testiculum habet qui etiam generare potest.* That which makes me believe that he does not mean in that Place an Eunuch properly so called, is, that in the very Title there is a distinction made between † *Morbosus* and *Vitiatus*, as also between *Vitium Simplex*, and *Vitium corporis penetrans ad Stimium*, and particularly mentions those who are excessively fearful, greedy, covetous, or soon provok'd to Anger. How then can a Man so timorous and fearful as an Eunuch is, serve as a Support and Assistance to a Minor under his Tutelage, who perhaps may, notwithstanding his Non-Age, have infinitely greater Courage and Vigour of Spirit than himself?

But be that as it will, I am sure the thing it self appears to me to be contrary to Order and Justice, and I may add, the Law it self, which says, that Wardship is a Manly Office, far beyond the weakness of

* *Institut. de hered. qualit. & diffar. l. 4.* † *Lib. 1. Sect. 11.* † *Lib. 20. Sect. 7. ff. qui Testamenta facere possunt.*

Womanish Soul. † *Tutelam administrare virile munus est, & ultra Sexum femineum infirmitatis tale Officium est.*

I have often wonder'd how the Civil Law came to permit them to take Arms. || *Qui cum unico Testiculo,* says the Law, *natus est, armis militabit, secundum Divi Trajani resculum.* And the Reason which the Law gives for it is still more surprizing, because truly the Generals *Sylla* and *Cotta*, were said to be in the same Condition. *Nam & Duces Sylla & Cotta memorantur eo habitis fuisse Nature.* But because there happened to be two great Men that were Eunuchs, by a very particular Exception to that Rule, must it be therefore made a Law, that all others are capable of bearing Arms?

The Conjugal Combat is of a different Nature from the Military, and so are the Arms; but as Eunuchs are not accounted with these, they are intirely in an incapacity of engaging in this agreeable Warfare. This is the Decision of *Plautus* in that witty Allusion of his, * *Si amandum est, amore oportet testibus presentibus.*

In short, an Eunuch was never suffered to appear in any solemn Act. † *Ad solemnia*

† Lib. 1. Cod. quand. Mulier Tutor. off. fung. potest.
 † L. 4. lib. 49. tit. 16. de Re Militari. * Plaut.
 in Curcul. † Lib. 20. Sect. 7. ff. Qui Testament. facere possunt.

*adhiberi non potest cum juris Civilis Communio-
nem non habeat in totum, ne Pratoris quidem E-
dicti Natura.*

I have said enough of this Subject, and shall conclude this Chapter by observing that we must make a great difference between voluntary Eunuchs who have been made so by their own Will and Consent, and those who have been constrained to be made Eunuchs to save their Lives, or some such like Necessity. The former were ever odious and despicable, but the latter (if their Behaviour do not deserve otherwise) ought to be pitied, and demand our Help and Support.

C H A P. XI.

What Rank voluntary Eunuchs have held in Civil Society, and after what manner the Laws have consider'd them, and what Rights and Privileges they had thereby allow'd them.

IF forced Eunuchs, that is, those who have been made so in their Infancy or Youth, in the times of Persecution, or by the Command or Direction of a Tyrant, and even those who became so by some Accident or Misfortune, were, notwithstanding, the Object of the Contempt and Raillery

Raillery of the rest of Mankind; what Indignation must they have conceiv'd against those base and groveling Souls, who by mere views of Interest and Ambition, have caused that exterior part of their Body to be cut off, which is the most noble and most advantageous to Society? The Law condemns them to the greatest Punishment, as those that are their own Murderers. Let us see how the Emperor *Adrian* passes Sentence against them. If any one, says he, does contrary to my Edict, the Surgeon who performs the Operation, as well as he that spontaneously offer'd himself to undergo it, shall be put to Death; or which is the same thing, it shall be a capital Crime in both. His words are, * *Ac si quis adversus Edictum meum fecerit. Medico quidem, qui exciderit, capitale erit, Item ipsi qui se sponte excidendum praeibit.*

They were, as I have often observ'd, look'd upon heretofore as infamous in the highest Degree; they were banish'd the Society of Men, nor could they make either Man or Woman their Heir, nor be themselves Heir to either.

Agreeable to this, I shall instance a Case out of † *Valerius Maximus*, *Genutius*, Priest

* L. 4. ff. ad Legem Cornel. de Sicariis.
rius Max. lib. 7. cap. 7. Exemp. 6.

† *Val-*

to *Cybele* Mother of the Gods, having obtain'd of the Prætor *Cn. Orestes*, the Possession of the Estate left him by *Nervianus* in his Will, *Sardinus* appealed to the Consul *Mamercus*, insisting, that *Genutius* being voluntarily deprived of those parts which made him a Man, ought not to be rank'd either among Men or Women; upon which, the Decree of the Prætor was reversed. This was an Act, says our Author worthy *Mamercus*, and a Prince of the Senate, for he hindred the Seats of our Judges from being sullied with the sight of so unworthy a Person as *Genutius*, and that his squealing effeminate Voice should not be heard on his pretence of demanding Justice.

This is sufficient for this Article; what has been said in the foregoing Chapters may be applied as to other Cases. I shall only add that even also amongst voluntary Eunuchs some are excepted from the general Contempt, and that publick Condemnation so justly due to others, such as the unhappy *Combabus*, and others in the like Cases; not that they are altogether excusable, but it may be said of them, that they became so, because they thought thereby to avoid the greater Evil, and imitated that Merchant of whom *Juvenal* makes mention, or rather the Beaver, who Gelds himself to save his Life.

——— *Imitatus Castora qui se **
Eunuchum ipse facit, cupiens evadere Damno
Testiculorum ———

*Just as the Beaver, that wise thinking Brute,
 Who, when hard hunted on a close Pursuit,
 Bites off his Stones, the cause of all the strife,
 And pays 'em down a Ransom for his Life.*
 Dryden.

This Poet was of the same Opinion with those Naturalists, † who believed that the Beaver bit off his Testicles to deliver himself from the Hunters Power, imagining that he is pursued for nothing else; but Monsieur, the Baron de la Hontan, has sufficiently refuted that old Error: These are his Words,

|| ' With submission to the Discoverers
 of Nature, and the Searchers into the
 Secrets of the Almighty upon the Earth,
 it is not true that the Beaver mutilates or
 makes himself an Eunuch as has been be-
 liev'd, that he might thereby escape the
 too eager pursuit of the Hunter; no,
 the Males have too great a Value for their

* *Juvenal Satyr. 12.* † *Aristol. lib. 7. cap. 5.*
Histor. Animal. Æsop. in Apol. Ælian. lib. 6. cap. 33.
Plin. lib. 17. cap. 6. || *Voyage de la Hontan dans*
l'Amerique septentrionale. Tom. 1. Lett. 16. p. 181. &c.

' Sex, and have a greater regard than that
 ' to the Propagation of their own Species
 ' I cannot at the same time conceive upon
 ' what grounds People have built so great
 ' a Chimera, for in truth, the Matter
 ' which the Followers of *Hypocrates* call
 ' *Castoreum*, is not enclos'd in those precious
 ' and folded Parts, but in a Receptacle or
 ' Vehicle made not unlike a Pouch or
 ' Pocket, which is so peculiarly adapted to
 ' the Organical Mechanism of these Ani-
 ' mals, that Nature seems only to have
 ' form'd it for them; the Use that the
 ' Beaver makes of this Matter, is to cleanse
 ' and disengage his Teeth when they are
 ' full of the Gum of some certain Shrubs he
 ' generally feeds on, and which very much
 ' incommodes him.

' ' But suppose I should grant that the *Ca-*
 ' *storeum* is lodged in the Testicles, how
 ' could this Animal bite them off without
 ' tearing to pieces those Nerves to which
 ' they are joined near the *Os Pubis*. (Show
 ' me any *Huron* Officer of them all can talk
 ' more like an Anatomist) But — I have
 ' been so much taken up with my own
 ' Praises, that I have almost forgot what
 ' Consequence I would draw from this
 ' tearing off the Nerves, &c. No Matter
 ' I will not for all that be beat out of my
 ' Scientifical Ratiocinations. And were
 ' not *Ælian*, think we, and other such like

' Dreamers

Dreamers in natural Philosophy, well employed to tell us of hunting of Beavers? Did they extract this profound Knowledge in their most studious Meditations in their Studies? Had they had the Honour to live as I have done amongst these Amphibious Animals, they would have known that a Beaver does not trouble himself about a Hunter; for you must understand, that this Animal has the Instinct or Precaution never to stir far from the Bank of the River or Lake where he has made his Den or Hole; besides, he is very quick at hearing, and ever upon the listen, and on the least Noise, he plunges himself in and swims under Water till such time as he fancies he may return safely to his Habitation. But if this Reason bears no weight with it in respect to the Land Beavers, I must send you both to the *Opus Pubis*, another very peremptory Argument; for if the Beaver to stop the pursuit of the Enemy makes that bloody Operation as some have believ'd, Nature would have given him in that Action but a very imperfect Instinct; for when this Animal by losing of his Testicles shall have no *Castoreum* left, yet he would be still liable to be hunted, and with no less eagerness of pursuit than before; for the *Castoreum* is not so considerable, or rather, it is nothing in comparison of the

' Skin: This is the cheif Prey, and the
 ' Masterpiece of the Beast; and therefore
 ' the poor Beaver to save himself from
 ' the Avarice of the Hunter, ought at
 ' least to flea himself alive, and throw him
 ' his Skin; and even then I cannot tell
 ' whether that barbarous and insatiable Fi-
 ' gure call'd *Man*, would be contented with-
 ' out the Flesh too and Bones of this inno-
 ' cent Animal.

' His Skin is very odd and different one
 ' part of it from the other, form'd and
 ' compos'd of two quite opposite sorts of
 ' Hair or Fur, one long, blackish, shining,
 ' and round, the other loose, soft, and
 ' longer in Winter than at other times, and
 ' is the finest silky Down in the World. I
 ' need not tell you 'tis this last sort which
 ' is so valuable, and sought after with so
 ' much eagerness, and that these Animals
 ' would live more peaceably, and with
 ' greater security, had they only a Skin
 ' covered with the other. Thus far Mon-
 ' sieur le Baron de la Hontan.

This Gentleman has given a very curious
 Description and History of the Beaver,
 but I have contented my self with citing
 only what regards Castration, and I can
 have no manner of Difficulty to give into
 the Opinion of this noble Traveller, who
 was not only a Person of Learning, but a
 Man of good Sense and Taste of Things,
 and

and therefore surely at least very capable of thinking, reasoning, and framing a just Judgment on such a Subject as this, which only requires Sight and Discernment:

I have observ'd in reading *Pliny*, that about his Time there was an old Physician whose Name was *Sextius*, *diligentissimus Medicinae veteris Autor*, who was much of the same Opinion with this learned *Baron de la Hontan*, and as I have had the Honour of seeing this ingenious Baron, to whom the Publick is so much oblig'd for many rare Discoveries he has made them, and for his having so agreeably entertain'd them; (though his Works are wretchedly translated into *English*) 'tis therefore I cannot help speaking of him with that Respect and Honour which I think due to his high Merits and excellent Qualities.

C H A P. XII.

What Rank both voluntary and forc'd Eunuchs have held in the Church, and after what manner her Canons have consider'd them, and what Rights and Privileges they have thereby allow'd.

GOD Almighty ever had an Aversion for all mutilated and maimed Animals, they were an Abomination to him. * *You shall not offer unto the Lord, (says he himself in the Holy Scriptures) that which is bruised or crushed, or broken or cut, neither shall you make any Offering thereof in your Land.* This Prohibition indeed is general, but there is another which has a particular relation to Man, † and proves, that an Eunuch shall not enter into the Congregation of the Lord, it is, Church of the Lord in the Original.

Some Interpreters of the Holy Scripture, believe that by this Word *Congregation or Church*, is only meant the Assembly of the Jews, and that God only forbids by this Law, those who were made Eunuchs (as Jesus

* Levit. Chap. 22. v. 24. † Deut. Chap. 23. v. 1.
Christ

Christ himself is pleas'd to express it in the 19th Chapter of *St. Matthew's Gospel*) to be admitted into Assemblies or publick Offices. I shall not here insert the several spiritual Senses which *Theodoret*, *Clemens Alexandrinus*, and several other Fathers of the Church have given upon this Passage, it is certain that by this Text, one may clearly perceive that a certain Sterility and Impotence, are things unworthy and very displeasing to God, and these Explications would not only take up too much Room in this small Work, but would be likewise too great a Digression; I shall therefore only say, that by this Word *Congregation* or *Church*, from which *Eunuchs* are excluded, must be understood, not only the Assemblies of the *Jews* and their Magistracy, but even all their Rights and Privileges; an Eunuch could not enjoy any of these Advantages, they could not be reckoned or accounted amongst the Numbers of God's People, nor be an *Israelite*, nor a Son of *Abraham*, nor enjoy any of the Privileges of the *Jewish* Nation, nor partake of the Benefits of the Jubilee. In a Word, Eunuchs were banish'd from the publick Society of the *Jews*, and in this Sense is the Word *Congregation* understood in the 4th Verse of the 20th Chapter of the Book of *Numbers*, and in several other parts of the Holy Scripture.

We see here a terrible Curse and Malediction; the Law of God is much more severe against Eunuchs than the Civil and Political Laws I have before cited. But perhaps some will say, that these Laws do not bind under the new Dispensation, and that they are far from excluding Eunuchs from the Church or Congregation of the Faithful. If we believe Origen or the *Valesians*, it is necessary to be an Eunuch to gain the Kingdom of Heaven.

But I have evidently made it appear in the foregoing Chapters, how those Words of Jesus Christ, in the 19th Chapter of St. Matthew's Gospel are to be understood, and how even Origen himself understood them afterwards, as also that the Laws of the Christian Church expressly condemn'd voluntary Eunuchs, and even some of the other sorts. The Canon * says, that *Corpore vitiiati similiter a sacris Officiis prohibentur*, this is a little general, but what follows is more particular. † *Si quis pro agritudine naturalia a Medicis secta habuerit; similiter & quis Barbaris, aut qui a Dominis suis castrati fuerint, & moribus digni inveniuntur hos Canon. admittit ad Clerum promoveri. Si quis autem sanus non per Disciplinam Religionis abstinentia sed per abscissionem — existimat posse a se carnales*

* *Distinct. 55. cap. 1.*

† *Ibid. cap. 10.*

Concupiscentias amputari, & ideo se castraverit, non eum admitti decernimus ad aliquod Clericatus Officium. Quod si jam fuerit ante promotus ad Clerum prohibetur a suo ministerio deponatur. The Reason of this Difference we are told in the 8th Canon, which after having spoken of those Eunuchs who are involuntarily so, that *casu aliquo contigerit dum operi rustico curam impendunt, aut aliquid facientes seipsos non sponte percutiunt*, and oppos'd them to voluntary Eunuchs, it says, *ni illis enim Voluntatem vindicanda quæ sibi causa fuit ferrum injicere, in istis autem Casibus Veniam meruit*, and says the same thing of those whom Barbarians, Sicknes, a Tyrant, or an Enemy has reduc'd to that wretched Condition, and these, says the Canon, deserve our Commiseration and Support.

This Law is much more ancient than the Decree of *Gratian*, whence I have extract'd the Decisions I have here insert'd; it is establish'd by the Council of *Nice*, which is the first of the OEcumenical or General Councils, the first Canon of which is as follows: ' If any Person who is distemper'd and oblig'd to be made an Eunuch by the Surgeon, or if he be cut by Barbarians, he may remain among the Clergy, and in the State of an Ecclesiastick; but if he be well in Health and castrates himself, if he be of the Body of the Clergy, he must abstain from exercising

his Ministerial Function, and that for the future, no one of that sort shall be admitted to be an Ecclesiastick.

Now as it is evident that this Decree respects only those who have deliberately acted after this manner, and who have castrated themselves, this cannot any ways affect those who were made Eunuchs by Barbarians or by their Masters, for these may be receiv'd into Orders according to the Rules of the Church, provided they have no impediment otherwise.

This Canon of the *Nicene Council* is inserted in the *Life of St. Athanasius* by Monsieur *Herman*, with Reflections of that Judicious Author, which it will not be improper to mention here, and which is as follows. 'It is not possible, in reality, to say what were the Motives that induced the Fathers of the Council of *Nice* to treat of this Subject, and to make use of this just Severity against those who made themselves Eunuchs by their own Hands; it is certain that this wilfull mutilation, which was forbidden by the Civil Laws, and particularly by those of the Emperor *Adrian*, could not be approv'd of by the Authority of the Church. The inconsiderate Zeal of *Origen*, who made himself an Eunuch through a too literal Explanation of the 19th Chapter of *St. Matthew's Gospel*, was condemn'd by

by *Demetrius* his Bishop, though at the same time he admired this Action as a Transport of extraordinary Piety. The abuse of some Hereticks who were called the *Valesians*, castrated all who were of their Sect, had before that been consider'd as an Extravagance sufficiently contrary to the Sentiments of true Religion, as well as the common Rules of Humanity. All these Considerations sufficiently justify the Council of *Nice*, but do not inform us what was the Occasion. Some will have it that this Canon was made upon occasion of *Lefutius*, who was advanc'd by the *Arrians* to the Episcopal See of *Antioch*, and was depriv'd because he had castrated himself; but since *Theodoret* declares that his Ordination was contrary to the Decrees of the *Nicene* Council, it has given occasion to some People to believe, that that Priest had not then committed that Extravagance, and that it was not till since the Time of that Holy and Venerable Assembly, that the Desire he had to have a more free Conversation with *Eustolia*, a young Lady, made him with his own Hands, like *Origen*, arm himself against all Suspicion, which he, like him, imagin'd otherwise might arise from a malicious and censorious World.

But however that be, it is certain that those who of perfect Men became Eu-

' nuchs, either through Violence of others,
 ' or Sickness, are not excluded from the
 ' Dignities of the Church ; and this actu-
 ' ally was the Case of *St. German* and *St. Ig-*
 ' *natius*, who so worthily filled the Patri-
 ' archal See of *Constantinople*. But those
 ' who out of a false Zeal for Chastity, or
 ' some other Motive, have been induced to
 ' commit on themselves such an Act of
 ' Barbarity, are judged unworthy of the
 ' Functions of the Ministry, if they were
 ' before in Orders, and of ever being ad-
 ' mitted thereto if they were Laymen.
 Thus far the Canon.

As to those who are made Eunuchs for In-
 terest, Ambition, or other vile, base, and odious
 Motives, it was not enough that they were
 excluded the Ministry, but they were ever
 reputed as infamous, and banish'd the So-
 ciety of Men ; and that this was the sense
 of Antiquity, I have sufficiently made ap-
 pear in the Example of *Genutius*.

But I go yet farther, and not only esteem
 them as Persons deserving the utmost Shame
 and Infamy, but that they ought to be
 punish'd with all the severity of capital
 Offenders. The Civil Law looks upon
 them, and declares them to be self-murder-
 ers; for it says, ' That if any one cut him-
 ' self, that is, if he cut off his viril Mem-
 ' bers, he shall not be admitted a Member
 ' of the Clergy, because he is a *Suicide* or
 ' Self-

' Self-murderer, and an Enemy to the Purposes of God ; but if he be already a Clerk, or in Orders, let him suffer condemnation, for he is a self-murderer. * *Si quis absciderit semetipsam, id est, si quis amputaverit sibi Virilia non fiet Clericus, quia sui est homicida, & Dei Conditioni inimicus. Si quis cum Clericus fuerit, absciderit semetipsum omnino damnetur, quia sui homicida est.*

This Term *Homicida* or Murderer, must not be taken in the literal Sense ; for rigorously speaking, it is not always true that he who makes himself an Eunuch dies under the Operation, but it is here made use of, because he is in danger of dying by such Operation ; for it has been observ'd in the 10th Chapter of this Work, by the Emperor *Justinian*, that of Four-score and Ten People which he knew to have been gelt, not above Three escap'd Death. It is for this Reason then, that those who are voluntary Eunuchs are called *Suicides* or *Self-murderers* ; that is, by reason of the Danger that might follow Castration ; *propter periculum quod sequi poterat sectionem* ; in the same sense as it is said in the last Chapter of the 87th Distinction, that *whosoever exposes an Infant is a Homicide or Murderer* ; which is grounded upon this Reason, that we must

* *Ibid.* Cap. 5.

not consider what actually does happen, but what may. *Prætor non ait cuius casus nocere posset,* says the Law, *ex his Verbis * manifestatur non omne quidquid positum est, sed quidquid sic positum est ut nocere possit, hoc solum propicere Prætorem ne possit nocere, nec spectamus ut noceat, sed omnino si nocere possit Edicto locus sit ; Coercetur autem qui positum habuit, sive nocuit id quod positum erat sive non nocuit.*

I shall add to the Cases excepted by the Law another Case, and that is, when the Welfare and Health of the whole Body requires, that one part be cut off, as when People have Mortifications in their Legs and Arms, &c. for it is a Maxim of good Sense, that one part had better be lost than the whole, *præstat partis quam totius facere jacturam ;* but I have evidently shewn, that neither Conscience nor Religion can serve as a pretence for this Infamous Operation ; for it is not lawful though it be to preserve any Virtue, as for Example, Chastity, because there are never wanting other Means by God's Grace, whereby a Man may not only acquit but preserve and defend this Virtue, *Non est licita ad secundam aliquam Virtutem, v. g. Castitatem quia non desunt alia media quibus cum Dei Gratia possit homo & assequi & tueri hanc Virtutem.*

* L. Si vero 5. Sect. 11. lib. 9. ff. tit. 3. de his qui effuderint vel dejecerint.

But before I end this Chapter, I shall beg leave to say, that there remains yet one thing worthy the Observation of the nicest Criticks, and most celebrated Canonists and Civilians; which *Mornac* takes notice of in his Commentary upon the Law *Si quis Cod. de Eunuchis*, and is this.

The 9th Canon of the 55th Distinction, has these Words, *Eunuchus si per insidias hominum factus est vel si in persecutione ei sunt amputat virilia vel ita natus, est dignus, fiat Episcopus*; this Word *Episcopus* seems to be very ill placed; we must therefore, to clear up this Doubt, have recourse to the 21 of the Apostolical Canons, where we find in the Greek Copy, the Word *χλειςινδς* and not *Επισκοπος*, and what gave occasion (says *Mornac*) to the Learned, to be in doubt concerning this Matter, was, that the Indecency and Deformity attending an effeminate, despicable and beardless Man, would not permit us to believe, the Church would advance an Eunuch (one who was no Man, properly speaking) to the Episcopal Dignity, which would qualify him to teach, preside over, and govern the rest of the Clergy, who properly were so. This Reflection is not useless here, for it plainly shews, that what ever Support and Compassion the Church may have for those unhappy Persons, their Condition was nevertheless so abject and vile, that however o-
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therwise worthy they might be, she never would place them in her highest Stations, or confer on them her most considerable and eminent Dignities.

I shall conclude this Chapter, and this first Part of my Treatise, with some Remarks which will not be foreign to the Subject. I must say then, that I have not here pretended to write a natural History of Eunuchs, or an *exact* Relation of those People, as they have been considered in all Ages and Countrys, the Customs of Nations, and Times, differ very much; and to the shame of human Reason be it spoken, we see that which was the common Taste in one Age, was Disgust in another. This diversity appears every where amongst different People, who have a different Taste and Genius. This deficiency, deprivation, or lack of Virility, or Manhood, is not equally opprobrious in all Places; in many Places in the World it has rendered some People very Considerable, which otherwise, would not have been in the least taken notice of.

They have been employed in the highest Offices, and have received Honours not inferior to Sovereign Princes; and even to this Day are held in the same Respect in the *Levant*, *Persia*, *Egypt*, *Mesopotamia*; and it is notorious, that in the Port of the Grand Selgnior, and through all that vast Empire, which extends it self over three Parts of the

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old World, Eunuchs possess an Authority little less than Sovereign. They were heretofore the Eyes and Ears of the Kings of Persia, as they are now of the Ottoman Emperors.

The Romans on the contrary, ever held these Half-men in the utmost Disdain and Horror; they abominated Castration. Let us hear how *Cæsar* speaks, on occasion of an Infinity of People whom *Pharnaces* had caused to be deprived of their Virility; * *which Punishment, says he, the Romans esteem worse than Death. Quod quidem supplicium gravius morte cives Romani ducunt*; and yet we see that some little time after *Plautianus*, in the time of the *Antonini*, they made a great Number of Eunuchs, as I have before observed in this Work; and at present the *Italians* make no small Account of them.

† *Monsieur Chevreau* says, (and it is true enough) that they call their Eunuchs or *Castrati*, if they have a fine Voice, Vertuous [*Virtuosi*] (and so they honour their Courtians likewise with that Title when they sing or play on the Guitar) Queen *Christina* used to call them *la Virtuosa Canaglia*, than which could not be a more poignant Expression.

* *De Bell. Alexand.*

† *Chevreaua Tom. I. p. 200.*

But it is a Matter worth Observation, that *Italy* only (which is but a little Angle in Comparison of the Christian World) produces Eunuchs. I know very well, they will tell us at *Rome*, that every one who makes an Eunuch is excommunicated, *ipso facto*; but how the great Men at the Court of *Rome* can, notwithstanding, encourage this Practice, (as in fact they do, by encouraging Eunuchs, not only in their Operas, but even in their very Churches, which if they did not, there would be none) is what I have not capacity enough to comprehend. For certainly, no fine Voice can compensate for such a Loss to the Eunuch, whatever he may gain by it; nor give so much Satisfaction to the Audience, as may countervail the Encouragement of such Mutilations, which is absolutely against the very Letter of the Ecclesiastical Canons, and involves the Agent in an Excommunication, *ipso facto*.

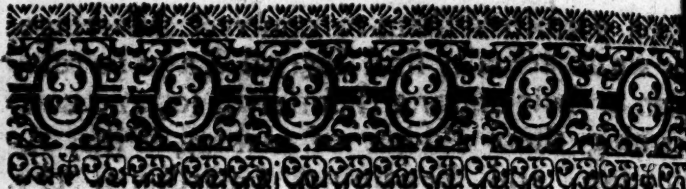
But this being not my Business to dive into, and no ways the Intention of this Work, I shall only say, that it will be sufficient for me to conclude all what I have hitherto said on this Subject, that there appears to be not any one Ordinance, nor Law, nor Constitution, that regulates the Marriage of Eunuchs, which infallibly we should discover in either ancient or modern History, or in the Compilers of the Laws, if it had been

been permitted them to contract Marriage, as we do actually find several Laws in relation to their making themselves so, and concerning their Power of making Wills, Adoption, and becoming Guardians, &c. But on the contrary, we find Laws which absolutely forbid and prohibit them to marry; and this shall be more particularly examined in the 2d Part of this Treatise.

The End of the First Part.



PART. II.



PART II.

Wherein is examined what Right Eunuchs have to marry, and whether they ought to be suffered to enter into that State.

CHAP. I.

Of the Nature and End of Marriage. That an Eunuch can no ways answer that End.

Y Design is not here to make an Elogium on Marriage, or thoroughly examine the Matter of that State in all it's Circumstances. This seems to be the Employment of the Casuists, and Sanchez, and Pontius have found wherewithal on this Subject, to make each of them a large Volume in Folio ; and we have
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seen in our Days an Ecclesiastick of Florence, Charles Mazzi, who has endeavoured to treat succinctly on this Subject, and reduce the most material Cases into an Abridgment, as appears in the Title Page of his Book, which is, *Mare magnum Sacramenti Matrimonialis in exiguo*. However, this Treatise of his, is a Volume in Folio, which made a pleasant Gentleman say, that if that Author, in presenting the World with a Book in Folio, has only given us the Ocean of Matrimony in Miniature, how many Volumes would it make in its full Extent? But be that as it will, it is certainly a Sea of such vast Circumference, so troubled, and so full of Rocks, Quick-sands, Gulfs, and Whirl-pools, that the most able Dealers in Casuistical Theology find themselves very often in so much Perplexity, that they are uncertain which Course to steer; I shall therefore content my self to lay down some general Principles, by which I shall make appear, what is the Nature and the End of Marriage, that I may thence draw such Consequences as are necessary to the particular Subject Matter of this Second Part.

Marriage then according to the general Definition which the Lawyers give, is, *A Consens of Man and Woman, to pass their Lives together in a perpetual Union, which is inseparable, only by the Death of either Party.* *Viri & Mul-*

Mulieris conjunctio individuum vitæ consuetudinem continens.

Though this Definition be made by the Learned Sages of the Law, who are its very Oracles; yet with submission to their Reverences, I must beg leave to say it is not just; for if this Definition should hold good, the Turtle which has never but one Mate, and will never couple with any other while that is living, may be said to contract Marriage, which ought by no Means to be said of Brutes, and Creatures destitute of Reason and Understanding. Besides, according to this, constant Concubinage with one Woman would also be a true Marriage, which seems contrary to the Institution of the Union of Marriage. All inseparable Unions in Society are not Marriages; however, not to dispute here a Definition, which has been universally received for so many Ages, I shall only observe, that it contains in it two Expressions, which are somewhat obscure, and need Explication; the first is *Conjunctio*, which is not to be taken simply for the Consent of those who are to contract Marriage, but must also be taken *pro Corporum Commixtione*: The Second is, *Individuum*, which is to be understood of those who contract Marriage, and are supposed to have a Design of living together in Union till the Death of either Party; for Divorce being permitted amongst the Romans,

as may be seen by the whole Title of the *Code de Repudiu*, and of the Digest, *De Divortiis & Repudiis*: This I thought necessary to premise, that what shall be said in this Chapter, may the better be understood, and all Doubts and Equivocation of Words entirely removed.

Marriage undoubtedly is the most excellent of all Unions.

1. Because God himself instituted it in Paradise, during the State of perfect Innocence.

2. Because there is nothing of so great Advantage and Conveniency to Man in this World, as Marriage, nor which suits more with his Necessities.

3. Because it is of absolute Necessity to the World, to keep up Society, and preserve Chastity and Modesty.

The Difference of Sexes, and these Words *increase and multiply*, which God himself pronounced when he joined them together, when he instituted Marriage, and blessed it, evidently demonstrate, that the End of that Union could be nothing else but the propagation of Mankind.

This Union then could not be supposed to be only a bare Consent of each Party to live

live together, as some have imagined, but *pro Corporum Commixtione*, or to speak a little plainer, *pro copula carnali*. These Words of God, and they two shall be one Flesh, can mean nothing else. The Canonists consider the Daughter and her Husband, as one only Person, as one and the same individual Child, and the same of the Son and his Wife *Sic Vir & Uxor*, say they, *non jam duo sed una caro sunt, non aliter est Nurus reputanda quam Filia*, now they can by no means be said to be one Flesh, but by consummation of Marriage, *non aliter Vir & Uxor possunt una caro fieri, nisi carnali copula sibi adhaereant*. These are the Terms made use of in the Canon Law.

In short, if these Words must signify only a simple Consent, in what Sense must we understand the Words of St. Paul? Who says, that he who lies with a lewd Woman is the same Body with her, for they two, says he, are made one Flesh. A Man who commits Fornication with a Woman, does not thereby engage himself to live with her as long as he lives; how then can he become one Flesh with her, unless it be, as I said before, *per Corporum Commixtionem*, or *per Copulam carnalem*? And what End could this Conjunction have, according to the Intention of Almighty God, who was its prime Institutor, but Procreation? *Encrease and Multiply*, says he, it was for this End I join-

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ed you together. He does not say, *Divert your selves, give a Loose to your Brutish Passions, do what your sensual Appetite and mere Nature prompt you to, merely to please and satisfy your Inclinations, but Encrease and Multiply.*

Besides, *Adam* being then in the State of Innocence, God could not give him such Liberties, for he had not then those Concupiscences of the Flesh, which his Posterity bring into the World, imprest in their very Nature.

It is true, some Interpreters are willing to believe, that this Word *Increase*, means no more than the Growth of the Body ; but it is certain, it has a farther signification, for in the Original, it signifies *fructify* or *be fruitful*, and in this Sense it is taken in holy Scripture. *The Lord hath sworn in Truth unto David, and he will not turn from it, of the Fruit of thy Body shall I set upon thy Throne,* Psalm 132. v. 11. That is, one of thy Posterity. And in this Sense *Elizabeth* understood it, when she said to the Blessed Virgin *Mary, Blessed be the Fruit of thy Womb.*

Prophane Authors have also understood it after this manner, witness this Verse of *Claudian* *.

Nascitur ad fructum mulier prolemq; futuram.

* In *Eutrop. Lib. 1.*

This Expression is well known in the Canon Law, * in which the Mother is called the Root, and the Child the Flower or Apple, *Mater in procreatione Filii dicitur Radix Filius vero flos & pomum.* It is certain, that the Word multiply, which follows, *fructify* or *increase*, leaves no room for Doubt or Ambiguity, but that *increase* and *fructify* must necessarily signify the same thing.

St. Paul talking of Widows, would have the younger marry, and bear Children. Women therefore were to be married for that Reason and Intent, *that they may bear us Sons and Daughters, that we may be increased and not diminished*, as the Prophet *Jeremy* expresses it, Chap. 29. v. 6.

God then instituted Marriage only for Generation, and that by that means we might live in our Posterity, and in some Sort make our selves living after Death. *Natura nos docet parentes pios liberorum procreandorum animo & voto uxores ducere . . . Etenim id circo Filios Filiasve concipimus atque edimus ut ex prole eorum, earumve, diuturnitatis nobis Memoriam in Aevum relinquamus.*

Whence some Interpreters believe, that Jesus Christ, when in St. Luke's Gospel, || he said, that People shall not marry, or

* Cap. tunc Salvabitur 33. quest. 5. & ibid. Gloss. fin.

† L. 220. ff. de verbor. signif. Sect. 3. in fin.

|| Chap. 20. v. 35, 36.

be given in Marriage after the Resurrection, because, says he, *Neither can they die any more*, meant the same, as if he had said, that Marriage being only instituted to give us Successors after our Death, it would not be necessary for Men to marry after the Resurrection, because they could not *die any more*, or want Successors.

The Desire of having Issue is imprest by Nature, both in the Man and Woman, but some will have it, that it is much greater in the latter, and thence it comes to pass, say they, that that Contract has taken its Name, rather from the Woman than the Man, for † *Matrimonium*, say they, is so call'd, *a Matris nomine non adepti, jam sed cum spe & Omine adipiscendi*. But I must own I am not of their Opinion, for it is certain, that the Man perpetuates his Name and Reputation, by Means of his Children; and therefore must naturally be suppos'd, much more to desire them than the Woman, whose Reputation consists entirely in doing her Duty towards her Husband and Family, for *the Husband*, according to St. Paul, is *the Glory of the Wife*.

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† *Aul. Gell. lib. 18. Chap. 6*

Besides, according to the Canonists * *Filius, Matri: ante Partum est onerosus, in partu dolorosus, post partum laboriosus.* I am therefore inclin'd to believe, that it is more probable, that Matrimony took its Name from the Woman, because she contributes more to it than the Man; but however that be, it is certain, this still results from it, that the Desire of procreating Children, is the End of Marriage.

The Philosophers were very clear as to this Point. For, as (say they) Man is naturally and substantially an Animal, so is he of Consequence a living Creature, but the most natural Act of all living Things is to Generate, or Beget their Like; *It is a Perfection* (say they farther) *for ever Thing to produce its Like.* *Quemadmodum Homo naturaliter & substantialiter est Animal, ita est Vivens, Naturalissimum autem Opus Viventium est generare sibi Simile; Perfectum est, Unumquodq; cum Simile sibi producere potest.* According to these Maxims, how can Marriage be supported to agree with the State and Condition of a Eunuch? And does it not hence evidently appear, that Eunuchism and Marriage are two Things incompatible and essentially opposite?

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The very Heathens, who had no other Guide than the obscure Light of human Reason, would never permit any one should contract Marriage, with any other End than Procreation, as may be seen by the following Example.

"*Septitia*, Mother of the *Trachales*,
 " out of Spite to her Sons, tho' she was
 " then advanc'd to an Age past Child-
 " bearing, married *Publionis*, who was
 " likewise very old, and by her Will,
 " depriv'd them of succeeding to her
 " Estate, upon which they complain'd to
 " *Augustus*, who declar'd the Marriage
 " null, and set aside the Will, made her
 " Children her Heirs, and depriv'd the
 " old Man of the Advantages his Wife
 " design'd him, because (says he) they
 " had contracted Marriage without any
 " Hopes of Issue.

Had Justice herself sat on the Throne,
 and took Cognizance of this Cause, could
 she have pronounc'd a more grave and
 equitable Sentence? The very Beasts
 themselves, who never sinn'd, but remain
 within the Bounds of their Nature, never
 suffer the Male to approach them but on
 Account of Generation.

C H A P. II.

Eunuchs being entirely incapable of answering the End of Marriage, ought by no Means to contract it.

EUNUCHS, who contract Marriage, are Cheats, and as such ought to be punish'd.

I. For in the first Place, it is certain, they are guilty of a notorious Act of Falshood, for they put on the Appearance of Men, when they are not so in Reality. Falshood, according to the Learned in the Laws, * *est Actus dolosus veritatis mutanda gratia, ad alterum decipiendum factus quem lex pro falso habet, & lege Cornelia de falsis coerchet.* It is not necessary that Eunuchs to be guilty of this Crime, should say positively, that they were capable to satisfy the Duties of Marriage, it is sufficient that they knew what those Duties are, and that they engage in such Contracts, and make a Semblance to the World as if they could really perform what is required in that State; for † *Fal-*
sum

* Novell 73 in Princip. § I. Eleganter. 24.

† Qui reprobos ff. de pignor act.

sum committitur non dicto sed facto, as may be seen in all the Cases reported in the Law, *Quid sit falsum queritur*, 23 ff ad *Legem Corneliam de Falsis*.

2. In the second Place, they promise that which they cannot perform. There is a Difference in the Law between *Esponsals* and *Matrimony*, *Sponsalia* & *Matrimonium*; *Sponsalia sunt mentio & repromissio Nuptiarum futurarum*. These are the Terms of the Law, ff. 1. de *Sponsalibus*.

This Word *Sponsalia* comes from the Word *Spondere*, which signifies to *promise*. The Canon Law is very different from the Civil, in relation to the affiancing or espousing young Persons or Children. The former † makes this express Decision, *Sponsalia amborum Infantium, vel alterius tantum per supervenientiam Majoris Aetatis non validantur, nec publicam honestatem inducunt*. The other, on the contrary * says absolutely, that *Sponsalibus contrahendis Aetas Contrahentium definita non est*, but it adds these Words, *ut in Matrimoniis*, that is to say, *in Matrimonio non consideratur principaliter Aetas sed Potentia generandi*. The Age of those who are to contract, ought to be certain, because they must be capable of Consummation. If it should

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so happen, that one is not capable, it is then no Marriage, for *ubi datur permixtio habilis eum inhabitum vitiatur. Adus, quando requiritur Concurfus habilitatis in Utroq;* This is a Maxim which is evidently demonstrated by the Canonists, who have made Commentaries on the Law, *Utile non debet per Inutile vitiari.*

And it is upon this Maxim that the second Chapter *de Frigidis* is founded, which has these express Words, *sicut Puer qui non potest reddere debitum, non est aptus Conjugio, sic qui impotentes sunt, minime apti ad contrahenda matrimonia reputantur.* An Infant then is not fit to marry, because he cannot perform the Duties of Marriage.

It is very pleasant to read the Dispensations given by the Arch-Bishop of Tours in the Marriage of *Lewis* the Dauphin, Son of *Charles* the Seventh, and *Margaret* of Scotland, because he was but fourteen Years of Age, and she but twelve, as if a Dispensation of that Kind was in the Power of Man, which Nature could only grant.

Justinian has fix'd Puberty to fourteen Years in Boys and twelve in Girls, but he excerts out of the general Rule, those *quibus Malitia supplet etatem.* But Nature is subject to no Laws, neither Civil nor Canon, she sometimes makes her own Rules

Rules, sometimes she is niggardly, sometimes lavish of her Favours. The Holy Scripture tells us of a *Solomon* and of an *Achaz*, the one begot *Roboam* at eleven Years of Age, and the other *Ezekias* at ten.

St. *Jerom*, Pope *Gregory* the Great, *Scaliger*, *Monsieur Bouchan*, and several others have related several Instances of the like Nature. They tell us, they knew of a Boy at ten Years of Age, who had a Child by his Nurse, and several other Examples of these early Fruits. But neither the Authority nor Artifice of Men any ways contribute to these rare Productions.

But Eunuch having no more that, which might render them capable of Marriage, do well to have Recourse to the Authority of Men; but they can never put them into a Condition capable of Consummation; and they never will thence be able to obtain the Power to execute what they have engaged and promised.

They therefore most certainly are in the Wrong to promise solemnly what they know they can never perform themselves, whatever Help and Assistance they may otherwise have.

The Cannonists speaking of *David's* Marriage with the *Shunamite* * put the Question, whether *David* did well to espouse her, *Bathsheba*, *Abigail*, and his other Wives and Concubines being yet living, and being himself not in a Condition to consummate. And they excuse him, because he did not take her through a Motive of Concupiscence, or of his own Inclination, but by the Advice, or rather Direction of his Physicians, and to satisfy the great Men of this Kingdom; and they tell us, that by this Means the Life of that King was prolong'd; *Adonijah* being conquer'd, and the Reign of *Solomon* being established, we ought to judge favourably.

Lastly, Marriage is a Kind of Bargain and Sale, whereby the Husband acquires the Power over his Wife's Body, and she in like Manner of her Husband's.

At *Rome*, heretofore, Marriage was by Purchase, *per Emptionem*, it is then an honest Contract, in which, say the learned in the Laws, * there never ought to be presum'd a Fraud, when either of the Parties maliciously keeps any Thing secret from the other. Now, as in a Contract

* 1 Ch. 1 Book of Kings. † *L. ea qua commendandi causa ff. * vel. Contrab. de empt.*

tract of buying and selling, nothing ought to be conceal'd or doubtful, but the Buyer be inform'd of the Faults of the Commodity he is going to buy, or of the secret Distemper of the Beast he has purchased. So likewise in this Contract or Commerce of Marriage, all the Fraud must be imputed to the Eunuch, who conceals his Impotency.

Fragosus examines this Question, in his excellent Treatise, entituled, *Regimen Republicæ Christianæ, Impedimenta Matrimonij, an sint revelanda quando sunt omnino secreta*, and he makes this Decision, that *whosoever* (says he) * *does not reveal all Impediments which are detrimental, sins grievously, (mortally he calls it.)* The Marriage of these Sort of People is so odious, that it is always declared to be null and void, as soon as it comes to be known.

The Marriages amongst the ancient Romans, *per Coemptionem*, was celebrated after this Manner: After some few Ceremonies, the Parties ask'd one another the following Questions; the Man ask'd the Woman if she would be the Mother of a Family? She then is to answer *I will*. Then the Woman, in her Turn, ask'd the

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Man

* Part. 1. lib. 5. disput. 12. [10. mun. 351.

Man, if he would be the Father of a Family, who answers likewise, *I will.* And this was as good a Marriage as any in the World.

The several Solemnities made use of in the Roman Marriages, may be seen at large, in the sixth Book of St. *Augustin's* City of God, in *Rascius*, and other Authors, who have written of the Roman Antiquities.

C H A P. III.

The Marriage of Eunuchs is considered as null, and as if it had never been.

IT is a Maxim in Law that, *falsum quod est, nihil est*, an Eunuch which is united to Woman by Marriage, deludes and cheats her, because on his Part he is not able to contribute what he ought, in Relation to the Substance of Matrimony; and we may truly say, such an Union is only a vain Phantom, a false, fictitious Marriage, and in Reality, no Marriage at all. And therefore, when a Woman, who has been thus surpriz'd by an Eunuch comes to be lawfully separated from him, they do not dissolve the Marriage, but say
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it is Null, that is, it is no Marriage at all. And it is upon this Principle that the Laws relating to these Sort of Unions are founded, * which shew, that in such Cases there is neither Husband, nor Wife, nor Portion, nor Dowry. The Law intitl'd, *in Causis*, contains an exprels Decision in this Case, *Si Maritus* (says that Law) *Uxore ab initio Matrimonii usq; ad duos annos continuos computandos coire minime, propter naturalem imbecillitatem valeat, potest Mulier, vel ejus Parentes sine periculo Dotis amittendæ repudium marito mittere.* The Law *Si serva Servo* † explains it yet more clearly, *Si spadoni Mulier nupserit distinguendum arbitror castratus fuerit necne, ut in Castrato dicas dotem non esse, in eo qui castratus non est, quia est Matrimonium, & Dos & Dotis actio est.* In the second Case, the Husband can bring his Action for his Wife's Portion, and the Reason there given is this, That it is a Marriage, and by Consequence in the first Case there is no Marriage, since there is no Action allow'd to be brought; but this Matter requires a little more our Attention.

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* *Lib. 5. tit. 17. l. 10.* † *Lib. 23. tit. 3. de Jure dotium lib. 39. § 1.*

It is generally imagin'd, that because a Woman is ty'd by Contract to a Man, and the Ceremonies of the Church have made that Bond Solemn, that therefore it is a true Marriage, but that is a very great Mistake: This vulgar Error is built upon that Maxim of the Law (which I shall explain in its proper Place) *Consensus, non Concubitus Matrimonium facit*. But it is not enough that a Woman is Contracted and Espoused in the Face of the Church, led Home to the House of her Husband, and put into his Arms, for all these Circumstances are only the Signs of a Marriage, but do not make one; the Man and Woman both ought to be marriageable, that is, capable of Consummation.

It was therefore with good Reason, that *Justinian* in his Institutes has decreed, that if such a Woman loses her Husband before she is *Viripotens*, she was never lawfully a Wife. * *Nec Vir* (says he) *nec Uxor. nec Nuptia, nec Matrimonium, nec Dos intelligitur*.

Labeo gives yet a clearer Explication, *quando Pupilla*, says he, *quandocumq; nups-erit si ea minor quam Viripotens nups-erit non ante ei, Legatum debetur quam Viri-*

potens

* *Tit. de Nuptiis § 12.*

potens esse caperit, quia non potest videri nupta, quæ virum pati non potest.

* History reports a Fact worthy our Observation. *Francis*, the First of that Name, King of *France*, willing to bring the Duke of *Cleves* off from the Interest of the Emperor, *Charles* the Fifth, and engage him in his own, oblig'd *Margaret* of *France*, his Sister, and *Albert* King of *Navarre*, his Brother in Law, to give him in Marriage their Daughter *Jane*, who was then only Nine Years of Age; the Marriage was concluded and, and celebrated in the City of *Chateleraud*, the Bride put to Bed; however it was said afterwards by the Pope, that this was no Marriage, and that young Princess was married anew to *Antony* of *Bourbon*.

It was, no Doubt, on this Principle, that the Court permitted † a young Girl who had been married to the elder Brother, to marry afterwards to the younger, because she became then to be marriageable. But this would have been approving of Incest, had they believ'd the first a true Marriage

§ L. 30 ff. quando dies leg. vel. fideic. cedat.
 * Vide Pruchueri manuale 1000 Quæstion. illustrium
 Theolog. Centur. 8. quæst 43. † Tresor on la Bibliothèque du Droit François par M. Lauret & Bouchel
 Tom. 2. Pag. 688.

age, it is therefore evident, they did not look upon it as such.

§ The Councils have expressly forbidden Priests to marry those, who are notoriously incapable to exercise the Functions of Marriage. The Canonists are much more Decisive in this Matter than other Lawyers, for they go so far as to say, that, *Contractos ante Pubertatem etiam cum Nisu, carnalis Copula non facit Matrimonium.*

If we would know what *Pubertas* means, we may be fully satisfy'd in the third Chapter of the same Title, which tells us that, *Puberes a pube sunt vocati, id est, a prudentia Corporis nuncupati, quia hac loca primo lanuginem ducunt. Quidem tamen ex annis pubertatem existimant, id est, eum esse puberem qui tredecim annos implevit, quamvis tardissime pubescat; Certum est autem eam puberem esse, quæ ex habitu Corporis pubertatem ostendit, & generare jamjam potest, & puerperæ sunt quæ in annis puerilibus pariunt.*

So therefore, according to this Definition, Eunuchs can never be *Puberes*, and being otherwise incapable of Marriage, of Consequence those they contract are null of Course.

I

I shall end this Chapter by observing, that, *non est inter eos Matrimonium quos non copulat Commixtio Sexus.* As it is laid in *Gratian.* * *Non est dubium, says he, illam Mulierem non pertinere ad Matrimonium, cum qua Commixtio Sexus non docetur fuisse. § Qui Matrimonio conjuncti sunt & nubere non possunt, illi non sunt Conjuges.* In short, we see what is a Marriage according to the Casuists, *In omni Matrimonio, say they, † Conjunctio intelligitur spiritualis, quam confirmat, & perficit Conjunctorum Commixtio corporalis.*

The Marriages then of Eunuchs never were truly Marriages, because there never was a true Conjunction, and in such Cases the proper Judges do not pronounce a Dissolution, but only say in plain Terms, that there is no Marriage at all; and that the Parties complaining may have the Liberty to Contract with whom they please. * *Tunc proprie non fit Divortium, sed fit Declaratio, ut alii sciant illam Societatem non esse Conjugium, & conceditur Persona quæ habet Naturæ vices integras, ut etiam vivente altero, impotente possit contrahere.*

The

* *Decret. 2. pars com. 37. quest. 2. cap. 17. § ibid. cap. 30. † ibid. cap. 37. * Collat. 4. Novel. 22: tit. de causis solutionis cum pena.*

The Church of *Rome*, which looks upon Matrimony as a Sacrament, never dissolves it, *quoad Vinculum*, but seperates the Party complaining only, *quoad Thorum*; but where they permit the Party complaining to marry again, 'tis because they look upon the former Marriage to have been *ipso facto* null, and as if it had never been.

It is therefore to mock and abuse the most grave and serious Ceremonies of Religion, to countenance a false and chimerical Act, and authorise an Imposture, that unavoidably must be attended with such Inconveniencies, which it is good to prevent. We may truly say of these People, that their Case is exactly parallel with that mention'd in the Novel † of the Emperor *Justinian*, which was made to punish either of the Parties who should be found to have given Cause for dissolving such Conjunction.

So'on had long before, made a Law against those, who could not render their Wives what was their Due; and ordain'd that in such Case, the Women might bring an *Action upon the Case*, for Damages against their Impotent, or Non-performing Husbands.

C H A P.

† Collat. 4. Novel. 22. Tit. de Causis Solutionis cum pena.

C H A P. IV.

The Inconveniencies generally attending Eunuchs Marriages.

THE Poet Claudian † speaking of an Eunuch, calls him a wrinkled old Woman; and Terence has much the same Expression, § *Eunuchum*, says he, *illumne Obsecro? Inhonestum Hominem quem mercatus est, here, senem Mulierem.* But * *Martial* pushes the Satyr much farther, he is not only content to say, speaking of *Numa*, who had seen an Effeminate Eunuch.

*Thelin videret in Toga Spadonem,
Damnata Numā dixit esse Macham;*

Which is one of the most biting Expressions in the World, but says farther,

*Dos etiam dicta est. Nondum tibi Roma videtur
Hoc satis? Expectas nunquid & ut pariat?*

ALL

† *In Eutrop. Lib. 1: § Terent. Eunuch. Act 2. Scen. 3. * Martial Ep. 52. lib. 10.*

All the Difference is, that *Martial* speaks of two Men who made themselves pass for Women, and those I discourse of are Men who in Reality are as Women, and to whom very well may be applied that which is said in the Law, *cum vir nubit, Cod. ad Legem Corneliam*. They are the Words of the Emperor *Constantinus* and *Constans*, *Cum vir*, say they, *nubit ut femina vices paritura quid cupiatur, ubi Sexus perdidit locum, ubi scelus est id, quod non proficit scire, ubi Venus mutatur in alterum formam, ubi amor quaritur nec videtur*, for such a Conjunction cannot produce the Effect the Women hope for, and far from the End and Intention of Marriage, for according to our Countryman *Owen*,

* *Femina Fortuna similis formosa videtur*

Non amat ignavos illa, nec ista Viros.

Or rather as the same Poet, ||

*Sape quiescit Ager, non semper arandus, at Uxor
Est Ager, assiduo vult tamen illa coli.*

But if this Idea be a little too severe upon Eunuchs, it must be remembered, that

* *Epigram. 55. § Idem Epig. 175.*

that there are others not more advantageous, and the Consequences of which are as little 'favourable to them and their Wives.

Juvenal § calls a Eunuch a half Man, *Semivir* : but the Holy Scripture goes yet farther, the Prophet *Isaiah* calls him (as has been before observ'd) a wither'd or dry Tree.

*Truncus iners jacui, species & inutile signum
Nec satis exactum est Corpus an Umbra
forem. **

This is a true Description of an Eunuch ; but I shall add two Strokes more, which will quite finish this Picture, one I shall take from the Civil Law, and the other from the Holy Scripture.

A Eunuch is a Person always sickly and languishing † *Morbosus*, and by Consequence incapable to perform the Function of an active Life ; *vari autem ita spado est*, says *Paulus* the Civilian, *ut tam necessaria pars corporis ei penitus absit, Morbosus est* ; he is an impotent, sickly Person, who sees himself in the Occasion of Action and cannot. Like what the Poets feign

§ Satyr 6. v. 513. * *Ovid Amor. lib. 3. Eleg.*
7. * *Lib. 21. tit. 1. de Edilitio Edicto, Lib. 7.*

feign of Tantalus, he sees himself placed
in the Midst of those Goods and Pleasures
he can by no Means enjoy, and we may
say of him what *Horace* says of his Miser
*viz.

*Tantalus a labris sitiens fugientia capta
Flumina, quid rides? Mutato nomine de Te
Fabula narratur. Congestis undiq; saccis
Indormis inbians, & tanquam parcere sacris
Cogeris, aut pictis tanquam gaudere Tabellis.*

Poor wretched *Tantalus*, as Stories tell,
(Doom'd to the worst, the cursedst Plague
in Hell.)

Stands up Chin deep, in an o'reflowing
Bowl,

But cannot drink one Drop to save his Soul.
What dost thou laugh? and think that
thou art free.

Fool change the Name, the Story's told of
thee.

Thou watchest o'er thy Heaps, yet midst
thy Store

Art almost starv'd for Want, and still art
poor.

You fear to touch, as if you rob'd a Saint,
And use no more than if 'twere Gold in
Paint.

The

* *Horat. Sermon. Lib. 1. Satyr 1.*

The Difference consists only in this, that the Miser can, but will not enjoy the Pleasure of his Goods, but the Eunuch on the contrary would but cannot, and therefore the Comparison of *Tantalus* is much more just in respect of the Eunuch than the Miser, and it may more properly be said of him than of the covetous Man.

*Indormis inbiens, Et tanquam parcere sacris
Cogeris, aut pictis tanquam gaudere Tabellis.*

So far then is a Woman that lyes by the Side of an Eunuch, from giving him Enjoyment, that on the contrary, she gives him the utmost Chagrin and Affliction, because of his wretched Incapacity.

This Truth was well known to the Wise MAN, and is the last and finishing Stroke of a Eunuch's Picture: The Author of *Ecclesiasticus* (whether the Son of *Sirach*, or *Solomon*) compares a Man that is persecuted of the Lord, or that bears the Pain, or Weight of his own Iniquity, to a Mouth shut up, to a Grave, to a Senseless Idol, to a Eunuch; for it seems they are all one in the Language of that wise Author, whose Words are these, viz. † *Delicates*
poured

poured upon a Mouth shut up, are as *Messes* of Meat upon a Grave. What Good doth the Offering unto an Idol? For neither can it eat, nor smell, so is he that is persecuted of the Lord. He seeth with his Eyes, and groaneth as an Eunuch that embraceth a Virgin and sigheth.

The Comparison is very Just, for undoubtedly, such an One bears the Pain, or Weight of his own Iniquity; whether it be that he had no other View, but to Cheat the poor Woman, in order to possess himself of her Fortune, or gain some other considerable Advantage; or that through a monstrous Brutality, he abandon'd himself to an Intemperance, he knew he could no ways Support: But be that as it will, it is certain the Woman is Cheated, and she may with Justice say, in such a Case, what *Augustus* said formerly, as he was sitting between *Virgil* and another Poet, I sit between Sighs and Tears; *Sedeo inter Suspiria & Lachrymas*. And if such Frauds should be allow'd, there would result many Inconveniences, which would naturally shew themselves, For

I. A Woman that lyes by the Side of such a Man (if I may call him so) would languish and pine away; in vain does she try to excite him to render what's her Due; all her Efforts are vain and useless, she

She never can succeed; So that having not
tasted the Joys of Marriage, nor having
any Appearance She ever shall, she pines
and afflicts herself in Secret; nor is this
without Example.

History tells us, that the Emperor
Constantius had to Wife, *Eusebia*, a most
beautiful Princess, and of whose Beauty
the whole World spoke with Admiration.
Constantius was of a soft, effeminate Con-
stitution, and weaken'd by long and con-
tinu'd Distempers; *Eusebia*, who was in
the Flower of her Age, had frequently
those Distempers which are incident to her
Sex, and in short, pin'd away, and ended
her Days, Hectick, Dry'd-up, and Dis-
figur'd, thro' an inward Chagrin and
Discontent, of never having the sweet
and agreeable Conversation and Caresses
of an Husband: Nor could the Excellence
of her Beauty, nor her Youth, nor the
Sovereign Honour of being Empress, give
her the least Satisfaction or Pleasure, or
make Compensation for such a Loss.

Perhaps this might be Lawful in an
Emperor, at least no One could dare to
Question his Conduct; but surely this
ought by no Means to be suffer'd in a
private Person, whose unjust Intention is
only to make a Woman miserable and
wretched, to satisfy some wicked Passion;
nor can it any wise suit with Justice, to
favour

favour any One in such an Undertaking, which must end in the Sacrifice of an innocent Woman, a *Virgin and Martyr*.

But this was actually the Case of Mrs. B — t, Daughter to an Eminent Apothecary in London. (*Sic parvis componere magna solebam,*) Who, because he could thereby put his Daughter off with a small Fortune, married her to an old Pewterer, but very Rich; this poor Victim (for so I may call her, since she was married against her Inclination to an old Fellow) was not long after her Marriage, in Company with some Relations, amongst whom I was; after many Compliments, the Women begun to Congratulate her on her happy State, as they call it, wherein she Commanded the World as having Locketts, a Necklace, and Earrings of Diamonds, to shine with at Church, &c. *Tes*, (says the poor, unhappy Disconsolate, sighing like *Pauluccio* the Eunuch, whom I took Notice of before) but there is yet — something — wanting.

2. It may happen, that some Women may not be capable of so much Government of themselves, as to bear up under such a terrible Proof, and resist those Temptations, she may in such Case find herself expos'd to; *The Spirit* indeed may be willing, but we have been told, that *The Flesh* is weak. And it would be a Matter

Matter of no great Surprize, if a Woman, that does not find at Home, wherewithall to satisfy a provok'd Passion, should receive elsewhere, what may be necessary to lay and becalm its Rage and Fury.

Monsieur *Ochien*, one of the Members of the Royal Society at *Berlin*, some Years ago, told a Friend of mine in Conversation, that he happen'd to be a visiting a Bayliff (a Justice of Peace) in that Country, where there came a Woman (who had been married to a Swiss) running in great Haste into the Room, with a Child in her Arms, complaining that her Husband was an Eunuch, and no Man; being ask'd if the Child she had in her Arms was not hers, she said Yes; Why then says the Bayliff do you say your Husband is an Eunuch? She readily reply'd it was not his Child, for that having observ'd for many Years after they were married, that *He did nothing that came to any thing*, she desir'd a Mason's Journeyman, that was then at Work at their House, to see if he could perform better, who thereupon laid her down upon a Trunk that stood hard by, and got that Child at one Stroke; and that her Husband could not do so much for many Years, notwithstanding all his Endeavours. The Husband was immediately cited, and order'd to be search'd, and upon Examination,

nation, it was found, that he had never a Testicle, he own'd he had lost one in the Army, by the Shot of a Musket, and the other afterwards by a Distemper. This important Affair being transmitted to the neighbouring University, the Marriage was annull'd, and the Woman married to her other Husband the Mason.

This Eunuch plainly saw his Wife had a Child, and that she must of Consequence have had an Affair with another Man: However he thought fit to make no Words of it. The Truth on't is, Men of his Character are never Jealous, and I am verily perswaded, that if one should propose to an Eunuch that was going to be married, that he should amongst other Articles of Marriage, give his Wife that was to be, such Permission, he would not make much Difficulty to grant it, for such Agreements have actually been in the World.

I shall not here instance the several Decision s we find in the *Imaginary Cuckold* of *Moliere*, because it is meer Fiction and Invention; but a very true Example, which is this.

The late Countess of *Moret*, w^{ho} liv'd in the Reign of *Henry the III.* and *Henry the IV.* Kings of *France*, was married to her third Husband, Monsieur
de

de Vardes, Governor of the Chappel, and was married to this Gentleman, who was Captain of the Hundred Swiss, when the King sent him into *Spain*, alter the Marriage between that Prince and the *Infanta* was concluded, to Compliment on the King's Behalf the future Queen: The Countess *de Moret* was also Mother to the Count *de Moret*, natural Son to *Henry* the IV. who was kill'd near *Castlenaudary*, in the Year 1632, when the Duke *de Montmorancy* was taken at *Languedock*. This celebrated Lady is taken Notice of in *Barclay's Euphormion*, under the Name of *Casnia*; it was said there, that she was likewise marry'd to the Count *de Cesyfausy*, who was afterwards sent Ambassador to *Constantinople*, and in that Author may be seen the Description, or (as the Lawyers call it) a Precedent for Articles of Marriage, with a Clause for a Man who is willing to be made a Cuckold, and who thereby Promises, Covenants, and Obliges himself to grant such Permission, which Clause it seems, was very peaceably Executed, without any Let, Trouble, Molestation, or Hindrance whatever, of him the said, &c.

Perhaps the Lady found herself but ill serv'd in her former Marriages, which made her take this Sage Precaution.

But this Precaution would be much more Just and Reasonable for Eunuchs Wives than others, for they wou'd be more tractable upon this Article; for they knowing themselves incapable to acquit themselves of the Marriage Duties, they wou'd consent to Humour their Wives in this Respect, to avoid Reproaches and Complaints: Nay, they would help them, if Occasion was, in a Case of such extraordinary Emergency; and it has been known (that when they found their Wives inclin'd to Libertinism and Debauchery) they have favour'd that Inclination, and made an Advantage and Profit of their Prostitution. Witness *Dydimus*, upon whom *Martial* † made that Biting and Satyri- cal Epigram, an Example that proves what I have said, for he Prostituted his Wife himself, in Hopes to get Rich by such infamous Commerce.

3. It would occasion a great many Wo- men, for Fear of falling into one of these two unhappy Extremitities, not to engage in Matrimony, till they had a Proof of what they must expect; or put in Practice the Advice and Council, *Ovid* gives every Lover, that is, * *Unde legat quod amet*

ubi

* *Ovid, de Arte Amandi Lib. 1.*

ubi retia ponat; for according to the same Poet,

Scit bene Venator, Cervis ubi Retia ponat.

But as Women have no secret Foreknowledge of the Validity or Invalidity of a Man, so would they be obliged to have Recourse to some sage Person to give them Satisfaction in this Affair, before they would engage in the fast Bands of Wedlock; for it is not the Fashion now a Days for Men to shew themselves naked to their Mistresses before Marriage, as *Plato* decreed in his Laws. *

Now those who believe *Plato* meant this only, that they might see the Beauty and fine Proportion of the Body, are mistaken; it was to be satisfied by the Eye, by a thorough Inspection, that a Man was in a Condition not to deceive a Woman; and perhaps this, at that Time was necessary, for all the World was not then, nor now is, so honest as the Father of the Emperor *Galba*, who as *Suetonius* † reports, was very low of Stature, and withall crooked; that nevertheless *Lisia Ocellnia*, a very beautiful and rich young
I 3 Lady

* *Plato de Legibus, Lib. 10.* † *Suet. in Galb. cap. 3.*

Lady, fell in Love with him, on Account of his great Quality; upon which, it seems, he stript himself naked, and shew'd her the Imperfection of his Body, lest thro' her Ignorance she might be imposed upon.

I cannot say, such Inspection would always be sufficient, for there are very few unmarried Persons know what renders a Man capable of Matrimony; it is only Use and Experience must instruct them.

† Monsieur de Thou, in his History tells us, that *Charles de Quellenec*, Baron de Pont, in Britany, had married *Catherine de Parthenas*, Daughter and Heiress to *John de Soubize*; but that some Time after his Wife's Mother brought an Action against him, to set aside the Marriage, under Pretence of his being impotent; that the Suit was depending at the Time of the Massacre of *Paris*, in which he was kill'd; that his Body having been cast out among others before the *Louvre*, and exposed to the View of the King and Queen, and all the Court, a great Number of Ladies, who had no Manner of Horror in beholding such a cruel Spectacle, and who looked, without Shame, very curiously upon those naked Bodies, cast their

their Eyes very particularly on the Baron de Pont, and very carefully examin'd whether they could discover the Cause or Marks of that Impotence, of which he had been accused. But I doubt whether, with all their Application in examining those Objects, they were a Jot the wiser, upon that Subject.

The Roman Ladies heretofore were not contented with bare Looks, they made their Judgment of the Ability of a Man by a more certain Testimony; his Strength and Address in their Publick Games. This could not fail to render a Man accomplish'd in the Eyes of the Roman Ladies.

These Precautions one would think not altogether useless, considering that Marriage is a State wherein one is engaged for Life; for we do not live in those Days when People could make Contracts of Marriage *ad Tempus*, for a Time, as was that, which Monsieur de Varillas† says he saw in the King of France's Library, and was made between two Persons of Quality of the County of *Armagnac*, for seven Years only, with a Proviso, nevertheless, to prolong that Term, if the Parties should be so minded.

I 4

4. It

† *Vide, Palesiana. p. 37.*

4. It would make some Women, who have too much Virtue, to enter upon their Marriage State *ab Illicitis*, with a Crime, and who cannot live all their Life in the State of Inaction, with a Phantom of a Husband, be obliged to seek a Remedy by Divorce. An honest Woman can find no Consolation, but with a Husband, as *Agrippina* told *Tiberius*, when she ask'd him to be married.

In short, if a Woman be not honest, she will find Ways to satisfy Nature, out of the State of Marriage: We very seldom meet Wives of the same Humour with those of *Domitius Tulla's*, whose History *Pliny* has given us, in one of his Epistles, and which is related with curious Reflections by *Mr. Bayle*, in his Historical and Critical Dictionary, in the Article *Afer*.

What is reported in the *Menagiana*, is also the common Taste of the fair Sex: it is there said, that in a great Company both of Men and Women, where they were talking about what ought to be requir'd to the perfect Accomplishment of Man or Woman; One said, a Man ought to act like a Man, and smell like a Man, and as to Women, says he, I don't love those that are *Masculine*; and I, (replies immediately, a Lady that listen'd to his

Discourse) am of your Opinion; for I hate an *Effeminate Man*.

We do not live now in the Days of *John the Fifth, Duke of Brittany*, who said, that a Wife was wise enough, if she knew the Difference between her Husband's Shirt and Breeches. It has indeed been ~~observed~~ by some, that the less knowing they are, the less are they subject to be drawn aside; but it is certain at the same time, that when Nature speaks, and Reason does not restrain them, they will be obey'd. *Monsieur Varillas*, lays it down for a Fact, that the more witty Women are, they are the more easy to be wrought upon. *Torquato Tasso* has made a Discourse on Purpose to prove it, and *Voiture* complains, that he has experienc'd amongst the Shepherdesses, or Country Girls, that some are too dull to be won over by the Arts of the most able Lover, and those that have most Wit, are soonest brought to hear Reason, but that both are very difficult to be persuaded on that Topick.

I am astonish'd! When I read the Extract which *Monsieur Bernard* † has made us from the *Collection of the Treaties of*

I 5

Peace,

† *Histoire des Scavans* Septembre. 1687. p. 109.

Peace, &c. Where that Author gives the Epithet of *Unhappy*, to *Margaret*, Dutcheſs of *Carinthea*, to whom *Lewis* of *Bavaria*, had granted Letters of Divorce from *John*, Son to the King of *Bohemia*, on Account of his Impotence, his Words are theſe, viz. “*That Piece* (the Letters) “ ſays he, is conſiderable ——— on “ Account of the Manner in which that “ *Unhappy* Princeſs explain’d herſelf, “ what Methods ſhe made uſe of, and “ what great Pains, ſhe ſaid, ſhe had “ taken, to make her Husband render “ her the Duties of Marriage. He then reports the Terms in which that Affair is deliver’d, but he only puts them down, but does not tranſlate them.

But ſince I have ſaid, *I am aſtoniſh’d* at that Author’s Conduct in this Matter, I think it neceſſary to give the Reaſons why I am ſo. For firſt, this Epithet, *Unhappy* could not be given to that Dutcheſs, becauſe ſhe had obtain’d theſe Letters of Divorce; on the contrary, for that very Reaſon, ſhe ought to have been eſteem’d *Happy*, to be ſeparated from an Impotent Husband; not only Juſtice which was done her in that Reſpect, but alſo the Deliverance from ſo heavy a Yoke, deſerv’d ſhe ſhould be rather term’d *Happy* than *Unhappy*. Had *Monſieur Bernard* poken of that Lady in Relation to the Condition

Condition she was in, when in Subjection to her Husband, he would have had Reason then to call her *Unhappy*, because she was so in Effect; but he speaks in Respect of her Liberty, and in that Case 'tis true she had been *Unhappy*, but was not then so. Mr. *Bernard* is a Person too Judicious to have made such Mistakes; it is then because she was so bold as to desire these Letters of Divorce, and complain of the Impotence of her Husband; and tell the Reasons which justify'd her Demands, and the Means by which she was thoroughly convinc'd of his Inability, and by which she perswaded the Judges.

Monsieur *Bernard* was too good a Divine and Politician; and was too well acquainted, both with Sacred and Profane History, not to know that neither Religion, nor Conscience, nor Honour, nor Modesty, oblige a Woman, who has not natural Courage enough, to suffer Martyrdom, and die a lingering Death, who has not Strength to mortify herself, by a long and perpetual Continence, to live with a Husband that is impotent, and incapable to render her the Duties of a Husband.

If he fancied Religion and Conscience oblig'd a Woman in such a Case to keep a profound Silence, he fell into the Heresie of the *Abetians*, whose Error is refuted

by

by *St. Augustin*, in the 87th Chapter of his Book of *Heresy*.

If he believ'd, that Honour and Modesty oblig'd her to have that extravagant Patience, he has given into the Reveries and Visions of those Fanaticks, who fancy, one had better suffer Death; than discover to a Physician, or Surgeon a secret Part if it should happen to be Distemper'd; and who may put into the Catalogue of their Martyrs, *Mary*, Daughter of *Charles the Hardy*, Duke of *Burgundy*, who was married to the Emperor *Maximilian*, the first Son of *Frederick the Third*.

This Princess had a high metled Horse presented to her, which threw her down, and so rudely, that she broke her Thigh, of which Fall she dy'd, having not been able to prevail so much upon her Modesty, as to expose that Part to the View of the Physicians and Surgeons, who 'tis highly probable might have cur'd her.

I shall put an End to this Chapter, by saying, that if the Dutcheß of *Carinthea* was to blame, the whole Body of the Civil Law ought to be condemn'd, which allows Women to exhibit Processes against their Husbands, if Eunuchs or Impotent, when according to the scrupulous Divinity of *Monfieur Bernard*, it ought to repress the Incontinence of those *Unhappy Women*,

Women, and look on them as wanting Modesty, because they dare complain.

C H A P. V.

The Civil Law forbids the Marriage of Eunuchs.

AS the Marriage of an Eunuch cannot subsist, it was an Act of the highest Prudence in the Legislators, not to suffer it to be contracted. Neither Publick Honour nor Justice will permit those Things to be done, which they cannot let subsist. *Dirimunt Matrimonium contractum, impediunt Matrimonium contrahendum.* * This is a Maxim which the Canonists, who have written upon the Chapter *de Sponsalibus & Matrimoniis*, have solidly established, and is agreeable to the Civil Law, † which forbids those Persons to be affianced, between whom there are lawful Impediments, to contract Marriage. *Quamvis* (says the Law) *verbis orationis tantum sit, ne Uxorem Tutor Pupillam*

* *Sext. Decret. lib. 4. tit. 1. † L. 60. ff. lib. 23. tit. 2. de ritu Nupt. § 5.*

Pupillam suam ducat, tamen intelligendum est ne desponderi quidem posse; Nam cum qua Nuptia contrahi non possunt, hac plerumq; ne quidem desponderi potest. Nam qua duci potest jure despondetur.

The Argument is well nigh the same, *a Nuptiis premissis ad Sponsalia premissa ab iisdem polubilis ad eadem sponsalia interdicta; a Matrimonio valido ad Matrimonium contrahendum & ab eodem invalido ad idem interdicendum.*

For, since the Contract of Marriage and the Solemnities which follow, only testify a Promise which has been made between two Persons, to render each other the Duties of Marriage, it is therefore evident, that those who cannot render those Duties, ought not to marry, and the same Reasons which would dissolve a Marriage that had been contracted, ought effectually to hinder its being contracted.

The Emperor *Leo*, who decided this Case, went much farther, * for he not only forbad Eunuchs to marry, but also pronounced and ordain'd a Penalty against those that should marry them; which may be seen in the Ninety Eighth Constitution, entituled, *de para Eunuchorum si Uxores ducant.* The Motive that induced him

* § *Si adversus Instit. de Nuptiis.*

him to make this Decree, is very noble, it is (says the Constitution) because such Marriage having nothing of Reality in it, cannot therefore be accompanied with the Holy Ceremonies, which make an essential Part of Marriage, and ought to be read entire, I would therefore insert it without omitting the least Tittle, were it not too long for the proposed Brevity of this Work. But here follows the principal Part, by which may be seen its principal Aim and Intention, that is, Whoever should go to the Marriage of Eunuchs, should incur the Penalty of a Ravisher, or Adulterer, and the Priest who should dare to be guilty of such Prophanation, as to celebrate such Marriage, was to be degraded. *Propterea sancimus (says the Constitution) ut si quis Eunuchorum ad Matrimonium precedere compatur, & ipse Stupri pena obnoxius sit, & qui Sacerdos istiusmodi Conjunctionem profanato sacrificio perficere ausus fuerit, sacerdota i dignitate denudetur.*

* Prophane History tells us, that Augustus, who regulated the Roman Shows or Spectacles, which before were in great Confusion, took particular Care to assign every Body his proper Place, and amongst others, there was a Regulation for the Seats

* *Sueton. in August. cap. 44.*

Seats of married Men; and those of low Condition likewise had theirs. But *Martial* * tells us, that Eunuchs dared not sit upon the Benches of married Persons, nor so much as be seen amongst them at the Theatre. Let us see how he entertains *Dydimus*, who with a haughty Voice, it seems, would talk of the Edicts of *Domitian* concerning the Theatre, and the Hopes he had that they would be observ'd; his Words are,

Spadone cum sis evicator fluxo.

Et Concubino mollior Celeneo

Quem sectus ululat matris Euthea Gallus

Theatra loqueris & Gradus & Edicta

Trabeasq; & Idas fibulasq; Censuscq;

Et pumicata pauperes nanu monstras.

Sedere in Equitum liceat an Tibi Scamnis?

Videbo Dydime: non licet Maritorum.

This *Dydimus*, as I before observ'd, had a Wife; however we see he was not considered as a married Man, because he was an Eunuch. It is true this was long before the Constitution of the Emperor *Leo*, for since that Time, we scarce find any Example that an Eunuch was permitted to marry, except him of the Court of Saxony, of whom I shall make

* *Lib. 5. Epigram 42.*

make Mention in the next Chapter. All Ecclesiastical Societies or Communions, do not only content themselves to blame these Marriages, but expressly forbid them, as we shall see in the three ensuing Chapters, with which I shall conclude this Second Part.

C H A P. VI.

The Roman Catholick Church does not suffer the Marriage of Eunuchs.

THE Roman Catholicks, who consider Marriage as a Sacrament, have taken Care not to have one of their Sacred Mysteries profan'd. I shall instance some few authentick Examples, which will prove what I say.

Bernard Antonine, a celebrated Advocate (or Attorney) in the Parliament of *Bordeaux*, in the second Part of his Comparison, between the *French Laws* with the *Roman*, * reports a Case, which was heard in his Time before the Parliament of *Paris*, upon the very Subject.

He

* Pag. 513.

He first indeed, makes some Reflections upon the Paragraph *Spadonum*, of the Law *Pomponius*, which the 6th ff. de *Ædilitio Edicto*, and he thinks it strange (and with Reason Good) that *Ulpian*, who was Author of that Law, should decide, that a Man, who should have one of his Fingers, or Toes cut off should be look'd upon to be Sickly, or (as the Law Term is) *Morbosus*, and that an Eunuch, who has lost so necessary a Part should not. He says, this is surprizing, and that he cannot see the Reason, that when the Cause of Generation, which gives even the Name of Man to him, who is therewith endued, is cut off, a Man no longer deserves that Name, and that his Opinion is, That he who loses one Part out of Twenty, has less Hurt done him, than losing One out of Two. And then adds, that the Parliament of *Paris*, had by (an Arret, or) Decree of the Fifth of *January*, 1607, given Sentence in Favour of *Caudine Godefroy*, whose Marriage was not justly Contracted, and that she should not proceed to Solemnize a Marriage she had Contracted with a Man who, (the Surgeons and Physicians by their Report had assur'd the Court) had but one Testicle, tho' at the same time they added, they were of Opinion he might Engender.

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The famous Stephen Pasquier, being formerly consulted on the same Subject, makes Answer in this Epigram.

*Esse Virum tota Conjux te pernegat Urbs
Naturaq; alio Teste carere dolet.*

*Officiatne Toro Sociali res ea, certe,
Nescio, at hoc Scio quod Te negat esse Virum.
Contra probatium jucundo tramite dicis
Gaudia Conjugij mille peracta Tibi.*

*Quid garris? Buios cum saltem jura requirunt
Uno te ne Virum Teste probare potes?*

He might have added the 99th of *Martial's Epigrams*, in his seventh Book, which ends with this expressive Verse.

Vis dicam verum, Pontice nullus Homo es.

Furetiere's Dictionary, as also that of *Trevoux*, under the Word *Eunuch* say, that by an Arret, or Decree of the Great Chamber of the Eighth of January 1665, it was adjudg'd that an Eunuch could not marry, even tho' all Parties consented. The Authors of those two excellent Works extracted that Arret, or Decree out of the *Journal of Audiences* † and is the same which was reported by Monsieur

† *Lib. 6. Ch. 2.*

ſieur *Claude Furetiere*, who oblig'd the Publick with his Translation of the Roman, or Civil Laws into French, and making a Compariſon between them and the Royal Edicts, the Customs of *France* and the Decifions of their Sovereign Courts of Judicature, and he ſays expreſſy, that a Eunuch cannot oblige a Priest to marry him, tho' the Woman knowing all Circumſtances ſhould ſeriously Conſent.

The Tenth Chapter of the Fourth Book of the Arrets of *Anne Robert*, which only treats of the Diſſolution of Marriages, on Account of Frigidity and Impotence, ſhews that it is a conſtant Law, that Eunuchs cannot marry.

Pope *Sixtus Quintus* cauſ'd a Bull to be ſent into *Spain*, wherein he declar'd null the Marriages of Eunuchs.

I ſhall conclude this Chapter with an Hiſtorical Fact, which is very deciſive on this Subject, and which is reported by the learned *Monſieur Stick*, Son to the Illuſtrious and famous *Mr. Stick*, Profeſſor of Law in *Italy*, the very *Papinian* of our Age. He ſays, in his Diſpute for the Doctor's Degree, in which he treats of the Nullity of Marriage, that being ſome time before in *Italy*, he knew that one of
the

the principal Musicians of the Duke of Mantua, nam'd Cortona, an Eunuch, had a Mind to marry a very beautiful Singer, belonging to the same Prince, whose Name was *Barbaruccia*, but were oblig'd to ask Leave of the Pope, who absolutely refus'd it, with positive Orders never to Address to that Court for the future on that Account.

CHAP VII.

The Lutherans, and those of the Confession of Augsburg, do not suffer the Marriages of Eunuchs.

THE Divines and Lawyers of this Religion are very scrupulous on this Head, and their Motives are very judicious and agreeable to Religion and Reason.

Gerhard, one of the greatest of their Divines, and who has reduced almost all *Luther's Works* into common Places, says expressly under the Title *de Conjugio* * that a Woman ought not to be permitted

ted to marry an Eunuch. The Motive that induc'd him to make this Decision was, that Marriage having for its principal End, Generation, those People who are not capable of attaining that End, ought by no Means to be suffer'd to engage in that State, and such (says he) are Eunuchs and *Spadones*. That tho' some of these having one Testicle, may be capable of knowing a Woman, yet for all that, they ought not to marry, because, besides that they are not capable of getting Children, they are not capable to satisfy the Desires of a Woman, nor extinguish that Heat which Nature has enkindled in their Constitution and Temperament.

The second Motive which sway'd this great Man was, that a Woman not finding in the Person of her Husband, that Satisfaction she desir'd, would be easily drawn away to Sin.

The third Motive was, that a Woman is cheated by a Phantom of Marriage, as is that of an Eunuch; and whether she was ignorant of the Condition of such a Man before Marriage, or really knew it, and had then a better Opinion of her Strength than she ought, yet in both these Cases she is cheated. Now the Laws ought to prevent these Cases, and not only advise such rash Women, but also hinder them

them from exposing themselves to an evident Danger.

The Scrupulosity of these Divines go yet further, for they do not permit an Hermaphrodite to marry, at least when one Sex does not prevail so visibly and considerably over another, as to put them out of all Apprehension of the Consequences: And if this Hermaphrodite makes any Difficulty to be examin'd by Surgeons and Physicians, or Matrons, it gives great Suspicion, and such Person shall not have Permission to marry.

It is a general and constant Maxim with them, that all Impotence, of what Kind soever, and from what Cause soever proceeding, makes null and void, a Marriage that is contracted, and is an Impediment (when it is known before) hindring its being contracted. There is nevertheless an Exception to this general Rule, which is, if this Impotence arrives after the Contract by some Accident, then it will not dissolve it. This is founded both on the Civil, and Canon Laws. * *Nibil enim tam humanum esse videtur quam fortitis Casibus Mulieris Maritum, & contra Uxorem viri, participem esse.*

* L. si dotem 22 §. si Maritus 7. ff. Solut. Matrimon.

esse. The Canon quod autem 27. quest 2. is positive, *Impossibilitas coeundi* (says the Canon) *si post Carnalem Copulam inventa fuerit in aliquo, non solvit Conjugium* †. *si vero ante carnalem Copulam deprehensa fuerit, liberum facit Mulieri alium Virum accipere.* This is Luther's Opinion, in his Treatise, *De Vita Conjugal* ||

The Consistorial Law of that Communion, agrees exactly with their Divines. Carpzovius, who is its Oracle, reports, the Decisions made by this Consistorial Law. The second Number of the 16th Definition of the first Title, has these Expressions *Non permittendum Mulieri ut Eunuchō nubat.* I must own, I have read with some Astonishment, in the Extract which the learned Monsieur de Beauval has given us, of a Book of Mr. Brukerus, intituled, *The Decisions of the Matrimonial Law.* * That the Case having been presented to the Court of the King of Poland, as Elector of Saxony, of an Italian Eunuch, his Chamberlain, who had marryed a young Woman, who had been made acquainted with his Condition, and had obtain'd her Father's Consent, some
Divines

† *Cum quod autem* || Tom. 2. Irenæus German. fo. 156. 6.

* *Histoire des Ouvrages des Scavans, Feb. 1716. p. 89.*

Divines undertook to disturb this Marriage, as being null and void, while others again maintain'd it was good and valid. But that that Prince, having seen the Opinions and Reasons of both Sides, confirm'd the Marriage, but decreed, it should not be drawn into Precedent for the future.

One may say, in respect of this Diversity of Sentiments amongst the Divines of the Electorate of Saxony, what Monsieur Beauval says elsewhere, about the Councils that were held on Account of the Sect of the *Valesians*. † *Several Councils* (says he) *were assembled thereupon, and increased the Disorder by the Contradiction of their Decrees.* So true is it, (continues he) *to the Shame of human Reason, that there can be no Devotion so ridiculous and mad, but will find some People to patronize and defend it.* And indeed it is certain, by the Case I have just now instanced, that the less reasonable and less probable Opinions, have found those who will Tooth and Nail maintain them.

But this Case is a very particular One, and does not at all break in upon the publick, and generally receiv'd Decisions, and much less, because it is authorized

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by

† *Ibid.* Decem. 1691. *Art.* 3. p. 175.

by a Prince, who did at the same Time declare, that it should not be drawn into Precedent; tho' I must confess even that is Dangerous, for it has been too often known, that Decisions which have been made with a Clause inserted, that they should not be drawn into Precedents, have been so far themselves made Precedents, as People have thence presumed to make other Decisions with like Clauses inserted, a Thing by all Means to be avoided; for Laws are to be made for the general Good, not for a particular Good.

But, to return to the *Saxon* Case, had the Elector approv'd and authoriz'd the Fact purely and simply, without any Qualification or Restriction, it would not therefore be the more valid, and that Permission would have given it not a jot the more Force; for by the Disposition of the Law, Marriages which are absolutely forbidden by the Law, are not at all the less Unlawful, or Unjust in themselves, tho' the Prince permits them by *Rescript* to be contracted; because these Marriages being contrary to the Laws, the *Rescript* which was obtain'd by Permission, is look'd upon in the Eye of the Law to be *Surreptitious*, and to have been obtain'd from the Prince by Surprise; these are the very Terms of the
Law

Law * *Precandi quoque imposterum super tali Conjugio (imo potius Contagio) cunctis licentiam denegamus ut Unusquisq; cognoscat, Impetrationem quoq; rei cujus est, denegata petitio, nec si per Surreptionem post hanc diem obtinuerit, sibi met profuturum.*

But it is much to be wish'd, that Monsieur Beauval, who has reported this Case, and who Reasons upon every Subject he undertakes to treat of, with so much Justice and Solidity, would have given us his own Opinion upon this famous Question of Eunuch's Marriages: But this what he seldom does; he carefully avoids giving his own Sentiments on any Matter, which the World imputes to his Modesty. That this is only what he deserves, I could prove by several Instances, but there is one I cannot omit, and that is, after having given us an Extract of the *Treatise of Nature and Grace*, put out by Mr de Furieu, he closes it, in these humble Terms, *as this Work*, says he, *is full of very metaphysical Reflexions, the World will pardon him, if he has somewhat exceeded his Bounds.* He speaks here of the Answer of a new Convert to the Let-

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ter

* *Lib. 5. Tit. 8. Cod. si Nuptia ex rescripto petantur l. 2.*

ter of a French Protestant, which may serve as an Addition to the Book of Dom. Dennis, of St. Martha, intituled, *An Answer to the Complaints of the Protestants*; where after having reason'd like a very able Politician, he concludes in these modest Expressions, But let us return to the Bounds of our own Territories, which we have so often resolv'd not to transgress, nor steer our Course in the Sea of Politics, which others have done with so much Success. He excuses himself very often on several Pretexs, as may be seen in those several Places I refer to in the Margin, § and tho' every One knows that he is very capable to handle, with utmost Exactness, every Subject which he has thought fit to reject with Humility, this therefore, as I said before, must be entirely owing to his Modesty.

But in this Case, he could find no Excuse, for his Question was entirely within his Sphere, or the Bounds of his Territories (as he expresses it) Unless he might think the Subject being copious, would engage him to exceed the Brevity

§ *Hist. des Ouvrages des Scavans. Nov. 1687. May 1688, casually July 1688, Sept. 1688, Oct. 1688, Jan. 1689, Feb. 1686, March 1689, Feb. 1692, Aug. 1692, April 1693.*

of an Extract, and swell into a compleat Treatise; or perhaps he knew this Matter had been frequently handled before, and that it was not necessary to present it to the Publick on this Occasion, in which he only propos'd to make an Extract of a Book which casually fell into his Hands, and not thoroughly to discuss this famous Subject; and in Effect he does say, * that the *Question, if it be permitted Eunuchs to contract Marriage, has been very often under Agitation.*

And indeed, he had good Reason to say so; for it is very true, that *Melchior Inchoffer* has made a Treatise *de Eunuchismo*, which was Printed at *Cologne* in Octavo, in the Year 1653. We have besides the Dissertation, *de Eunuchis*, of *Gaspar Leisnerus*, Printed at *Leipsick* in Quarto, in the Year 1665. We have seen a Sermon of *Samuel Smith*, upon the Conversion of the Queen of *Ethiopia's* Eunuch, in the 8th Chapter of the *Acts* of the Apostles, printed in Octavo at *London*, in the Year 1632. There is likewise a Treatise of *Franc. de Amoya Baetici*, intituled, *Eunuchus*, upon the Law *Eunuchus, v. c. qui testamenta facere possunt*, and which may be seen in his *Observations* printed

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at

* *Ibid.* Feb. 1716, *act* 7. p. 89.

at Geneva in Folio, 1656. a Treatise of *Marcellinus Francolinus, de Matrimonio Spadonis utroq; Testiculo carentis*. Printed at Venice in Quarto, 1605. There is also another Treatise *de Eunuchis*, by *Theophilus Raynauld*, whom Mr. Bayle often makes use of on Occasion. The hundred and twelfth Letter of *Monsieur de la Mothe le Vayer*, which is in the eleventh Tome of his Works, treats of Eunuchs in General. And lastly, we have the Dissertation of *Saldennus de Eunuchis*, which is the sixteenth of the third Book of his *Otia Thologica*; and a Collection of Consultations and Decisions upon that Subject, which I shall have Occasion to mention hereafter in this Treatise.

But for my Justification in undertaking this Work, after so many great Men, (besides what I have alledged in the Preface) I shall only say, that most Part of these Authors Works are only to be found in Catalogues and Libraries; and besides, that they only treat of *Eunuchs* in general, and do not descend to Particulars. The Question herein consider'd, among many others, is very seldom treated of, and then too, very briefly and cursorily. We may indeed see somewhat like it, in the Treatises of Civilians, Divines, and Physicians; but very often we find Things there

here related out of Prejudice and Partiality ; but besides that, every Thing there is treated very succinctly, it is evident that it is impossible to make a certain and universal System of Law or Divinity upon the Marriage of Eunuchs.

C H A P. VIII.

None of the Reformed Churches allow the Marriage of Eunuchs.

IT is no difficult Matter to shew that the Reformation does not allow the Marriages of Eunuchs. I shall begin with the Church of *France*; and it is certain there is no other Christian Communion in the World, which has so formally declar'd its self upon this Subject; for besides the Doctrine this Church professes, there is an express Canon in her Discipline against it; that Discipline which every one looks upon to be the Result, or rather the very Quintessence of her National Synods. This Article is the fourteenth of the thirteenth Chapter, and treats of the Marriage of Eunuchs, the Words are as follows, viz.

Now as the principal Occasion of Marriage is Issue, and the avoiding of Fornication, the Marriage of one who is known to be an Eunuch, ought by no Means to be receiv'd or solemnized in the Reform'd Church.

The famous Monsieur *Larroque*, who has shewn the Conformity and Agreement of this Discipline, with that of the primitive Christians, proves, that this was likewise their Sentiment, as to this Affair. I cannot help owning, that this Discipline was only made in *France*, but since the Revocation of the Edict of *Nantes*, and that the Protestants were obliged to leave *France*, and most of them retired into *Brandenburg*; his Prussian Majesty has approved it in his Dominions, inasmuch as it relates to the French, who have there established themselves, on Account of their Religion; and has commanded it to be observ'd and put in execution, in those Matters which do not interfere with the Episcopal Rights. † So that at present it is become a Law in *Brandenburg* to those new Subjects, as sacred as formerly in *France*; and as it is even with the ancient Subjects of that Prince, and all the Protestants of Germany; as may appear more plainly

† *Vid. The late King of Prussia's Declaration on this Subject, 7 Decem. 1689.*

plainly by a Book printed at Italy, in the Year 1785. and collected by Hieron. Delphinus, intituled, *Eunuchi Conjugium, die Kepannen Heyrath. Hoc est, Scripta & iudicia varia de Conjugio inter Eunuchum & Virginem Juvenellam, Anno 1666. contracto, a quibusdam supremis Theologorum Collegiis petita, ab Hieronimo Delphino. C. P. Halæ apud Melchiorum Delschlagen, 1685.*

As also by the Judgment and Decision given upon the Case I quoted in the fourth Chapter of this second Part.

The Republick of Geneva have receiv'd the same Laws; and several Cases which have represented themselves to that Body, have confirm'd this Truth. Paul Cyprus says, in his excellent Treatise *de Connubiorum jure*, 'That this wise Republick has a Law that forbids Males to marry before eighteen Years of Age, and the Females before fourteen, and that it is not sufficient to consider or count the Years, but that Regard ought to be had to the Vigour of the Body, and its Temperament.

It is true there are Relations from the Levant, that give us an Account, that the Banians, certain Pagans of the Country, have so great an Esteem for Matrimony, that almost every body marries at the Age of seven Years, and these Accounts

add, that if any one dies before he is married, the Custom is, to hire a Girl to lye down with the dead Body, that it might be said he was married before his Body was committed to the Flames to be burnt, according to the Custom of the Country. But Monsieur *le Vayer* makes several Reflections on this Custom, shewing it not to be so very vain, as some have imagined, since if they marry at seven Years old, 'tis because they are as capable at those Years, in that Country, as they are in other Places at a more advanced Age. The different Situation of the Place (says he) makes our Constitution quite the Reverse in every Thing; and *Solinus* tells us, of some Women (for so it seems they must be called) that have been big with Child at five Years old. *Odoricus* confirms this in his *Itinerarium* or Journal; and it has been some time since known, in the Kingdom of the Great Mogul, that a Girl, only of two Years of Age, that had a Belly swoln as big as any Woman, and that almost a Year afterwards, had her proper Purgations, and was brought to Bed of a fine Boy.

The same Ecclesiastical Law is likewise establish'd in *England*, as appears by the Seventh Chapter of the Title *De Matrimo-*

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monio § in the Reformation of the Ecclesiastical Laws, made first by the Authority of King Henry the VIII. and finish'd and publish'd afterwards by Edward the VI. This Chapter treats *De his quæ Matrimonium impediunt*. And these are the Terms, viz. *Quorum natura perenni aliqua elade sic extenuata est, ut prorsus Veneris participes esse non possit, & conjugem lateat quanquam consensus mutus extiterit, & omni reliqua Ceremonia matrimonium fuerit progressum tamen verum in hujusmodi Conjunctione Matrimonium subesse non potest, destituitur enim altera persona beneficio suscipienda Prolis, & etiam usu Conjugii caret.*

The Divines, and Lawyers of Holland, as well as elsewhere, distinguish the Causes that hinder, or are Impediments to Marriage, and range them under two different Heads, *alia* (say they) *impedimenta * a lege, Illa sunt Ætas immatura, mentis Impotentia, Corporis ad Cohabitationem Incapacitas; Ista sunt a morbo incurabili, ut ex. gr. Lepra, a Culpa, a Diversitate Religionis, a propinquitate Sanguinis. I* must own however, that Voetius, who is one

§. Printed in London, in quarto, Anno 1640.
p. 40. 41.

* Voetii Polit. Eccles. pars prima, lib. 3. Tract. 8. de Matrimonio Sect. 2. cap. 1. quest. 3.

one of the greatest, that ever was in the united Provinces, for this many an Age, seems to hesitate upon the Marriage of Eunuchs; in reality he determines nothing at all upon that Subject, but refers to the Lawyers and Judges, to whom he says, the Discussion of such like Subjects rather belong, than to Divines. We must there have Recourse to them; and as the Civil, and Canon Law are observ'd in those Provinces, at least in those Cases which are not determin'd by their own peculiar Laws and Customs; it is easy to conclude, that the Marriage of Eunuchs is not thereby any wise allow'd or suffer'd; in that these are the Impediments which hinder Marriage, according to the Civil Law.

Lepra superveniens, furor, ordo, Sanguis & abfens.

Læſaq; Virginitas, membri Damnum, minor ætas.

Hæreſis ac Lapsus, fideiq; remiſſio, prorsus Sponſos diſſociant & vota futura retractant.

The End of the Second Part.

PART III.

Wherein are answer'd and refuted
all the Objections that can be
brought against the Second Part
of this Work.

CHAP. I.

First Objection.

THAT the Prohibition of Marriage
ought not be understood to be so gene-
ral, as to extend to all Sorts of Eunuchs,
since there are some capable to satisfy the
Desires of a Woman.

Answer to the Objection.

To examine this Objection, and to
answer it in Order as it ought, we must
first see of what Nature these Desires are
that an Eunuch is capable of satisfying,
if they are lawful, and to be allow'd;
and

and in the second Place, what Eunuchs are capable of satisfying such Desires.

† *Arnobius* says indeed, that Eunuchs are very amorous: *Et majoris petulantia fieri atq; omnibus postpositis pudoris & Verecundia franis in obscenam prorumpere vilitatem.*

* *Terence* says much the same Thing in other Terms. *Ph. insanis, qui isthuc facere Eunuchus potuit. P. Ego illum nescio qui fuerit, hoc quod fecit res ipsa indicat. — P. at Pol Ego amatores Mulierum esse audieram eos maximos sed nihil potesse.*

But not to run back so far into Antiquity; Father *Raynauld* in his Book *de Eunuchis* tells us, that he has read a World of Examples of this impure Familiarity between Women and Eunuchs, and he laughs at the Confidence People generally repose in them, in trusting them with the Care of their Wives and Daughters.

Andrew de Verdier says much the same Thing in his various Readings, and relates the Sentence of *Apollonius Tyanæus* against an Eunuch of the King of *Babylon's*, who was found abed with one of that King's Mistresses.

However it is certain that an Eunuch can only satisfy the Desires of the Flesh, Sensuality,

Sensuality, Impurity, and Debauchery ;
and as they are not capable of Procrea-
tion, they are more proper for such cri-
minal Commerce than perfect Men, and
more esteem'd for that Reason by lewd
Women, because they can give them all
the Satisfaction without running any Risk
or Danger.

† *Sunt quos Eunuchi imbelles, ac mollia-
semper,
Oscula delectent & Desperatio Barbæ,
Et quod abortivo non est opus.*

There are, who in soft Eunuchs place their
Bliss,
And shun the Scrubbing of a Bearded Kiss,
To 'scape Abortion—— Dryden.

Witness that Woman in *Petronius* *,
who when a Man spoke to her these Words;
*Non intelligo me virum esse funerata est
illa corporis pars qua quondam Achil es-
eram ;* Reply'd, *Nunc etiam languini tuo
gratias ago in umbra voluptatis diutius
dagi.*

This

† *Juvenal. Satyr 6. v. 366. * Cap. 89.*

This Woman was of the same Character of *Gellia*, against whom *Martial* made his Epigram, dedicated to *Pannicus*.

* *Cur tantum Eunuchos habeat tua Gellea, quæris?*
Pannice, vult f—— Gellia non parere.

This is the same *Gellia*, of whom *Martial* in another Place has also drawn so frightful a Picture, and of her Tears; and speaks of her after this Manner.

† *Amissum non flet, cum sola est Gellia, Patrem*
Siquis adest, jussæ profiliunt Lachrymæ.

The Son of *Sirach* says, that he who violates Justice by an unjust Judgment, is an Eunuch that would deflower a Virgin ||. Every Body knows that in some Countries heretofore young Princesses were committed to the Care of Eunuchs. The wise Man compares Justice to one of these Virgins; and the Judges to those who ought to guard her with a Fidelity full of a profound Respect. Some Eunuchs
are

* *Lib. 6. Epigram 67.* † *Lib. 1. Epist. 14.*
 || *Chap. 20. v. 4.*

are therefore capable of satisfying the Desires of a Woman; but all those Desires are not lawful, and cannot be permitted even in the State of Matrimony, where if any where they would be justifiable. The very Heathens themselves, who had only the dim Light of Nature to guide them, could exclaim against them, tho' in Wedlock.

* *Obscena procul hinc discedite flamma.*

Hence ever be exil'd ye Fires obscene.

Such married Persons have this Sentence past on them, viz. *Origo quidem amoris honesta erat sed magnitudo deformis; nihil autem interest ex qua honesta causa quis insaniat, unde & Zistus Pythagoricus in Sententiis, adulter est, inquit. in suam Uxorem amator ardentior; in aliena quippe Uxore omnis Amor Turpis est, in sua nimius. Sapiens judicio debet amare conjugem non affectu, non regnet in ea voluntatis impetus nec præcepta feratur ad coitum, nihil est scelerius quam uxorem amare quasi adulteram.*

St. Jerom is yet more clear and expressive in their Condemnation. *Libero-*
rum

rum ergo (says he) in matrimonio concessa sunt Opera, Voluptates autem quæ de Meretricum amplexibus capiuntur in Uxore sunt damnata.

The Casuists are likewise very precise in this Matter, and declare all Marriages contracted on such Motives highly blameable. Such irregular Marriages, say they, were the Cause that God destroy'd the World by the Flood. * *The Sons of God saw the Daughters of Men, that they were fair, and they took them Wives, of all which they allow; or, according to their sensual Appetite; and these Marriages were the Cause of the Destruction of the whole Earth.*

The lawful Desires of a Woman are to have Children.

Dido, when she saw, she was going to be abandon'd by *Aeneas*, speaks to him in these Terms.

† *Sa'tem si qua mihi de Te suscepta fuisset
Ante fugam soboles, si quis mihi parvulus
Aula,
Luderet Aeneas, qui te tantum ore referret,
Non equidem omnino capta aut deserta
viderer.*

Thus

* *Genes. 6. v. 2.* † *Æneid. lib. 4.*

Thus translated by Mr. Dryden.

Had you defer'd at least your hasty Flight,
And left behind some Pledge of our
Delight,

Some Babe to bless the Mother's mournful
Sight.

Some young *Aeneas* to supply your Place,
Whose Features might express his Father's
Face,

I would not then complain to be bereft,
Of all my Husband, or be wholly left.

And we find in the Holy Scripture the
chast *Rachel* could say to her Husband,
Give me Children. Genes. Chap. 30.
v. 1.

I would be a Mother, I would have
Children, it was for that Reason I took a
Husband; this is the Language of a pru-
dent and honest Wife, and who far from
deserving Reprehension (according to the
false Modesty of some certain People)
for complaining that her Husband is not
capable of satisfying her just Desires, and
that therefore would be divorc'd from
him, rather on the contrary, deserves
Praise and Commendation, because she
cannot persuade her self to act all her
Life long the Part of a lewd Woman.

Procreation

Procreation then is the lawful End of Marriage. It is true, that End is not always obtain'd; there are such things as barren Women, as well as impotent, or (if I may use the Expression) barren Men; who seem to want Nothing necessary for that Work, any more than their Husbands, neither being able to reproach each other, it is from God only that these ought to desire Children, they are in *Jacob's* Case, who said to his Wife, who ask'd him to give her Children, *am I in God's Stead?* Genes. Chap. 3. v. 2.

But however it be, it is certain, People who are going to marry, ought to follow the Advice the Angel *Raphael* gave to *Tobias* † which some holy Persons have thus Paraphrased 'Hear me (says he) and
' I will tell you those, whom the Devil
' hath Power over, when Persons engage
' in Marriage, without having the Fear
' of God in their Heart, and only think
' on satisfying their brutish Appetite,
' like the Horse and Mule, which have
' no Understanding, the Devil hath
' Power over them. But for your Part,
' the third Night you shall receive the
' Blessing of God, that you two may have
' Healthy Children. After the third
Night

* *Tob. Chap. 6.*

' Night you shall take this Virgin in the
' Fear of the Lord, and with Desire of
' Issue, more than by a Movement of Pas-
' sion, that you may partake of the Be-
' nediction of God.

But all Eunuchs are not capable of
satisfying the impure and lascivious Desires
of a Woman. The Civilians thus distin-
guished Eunuchs, *Quantum interest*, (say
they) *inter hac vitia quæ Græci, κακονδεῖαν,*
Vitiostatem dicunt, interq; καὶ αὐτὸ id est
perturbationem at υἱον id est Morbum; aut
αἰσθησιαν id est agrotationem, tantum inter
alia Vitia & eum Morbum ex quo quis mi-
nus aptus usui sit differt. For some are de-
fective in the Quantity of the *Humidum*
radicale, some in the Quality; and others
again in both Quantity and Quality, and
in short, *si quis ita spado est ut tam necessa-*
ria pars Corporis ei penitus absit, morbosus
est, says the Law. *

But of what Sort soever they be, Eu-
nuchs ought by no Means to be suffer'd to
marry, because they (at most) can only
satisfy the lascivious, impure, and unlaw-
ful Desires of a Woman.

CHAP.

* L. 7. ff. de *Ædilitio Edicto & Redhibitione &*
quantū minoris.

C H A P. II.

Second Objection.

That Marriage is a Civil Contract, and therefore lawful for every Body to engage in it, and consequently Eunuchs.

Answer to this Objection.

There are several Causes that hinder a Person's contracting Marriage, which by Lawyers are compris'd in these three Verses

Votum, Vis, Error, Cognatio, Crimen, honestas Religio, Raptus, Ordo, Ligamen, & Aetas Amens, Affinis, si Clandestinus & Impos.

But we shall enter into a more particular Examination of this Matter, and which will not be unworthy our Attention.

It is a Principle in Law, that *Edictum Matrimonii est Prohibitorium*. That is, every one may marry who is not prohibited, *Matrimonium cuilibet contrahere licet, cui non prohibetur*. It is not therefore so generally permitted, but there are some Persons, that in some Cases may be prohibited.

The

The Causes which hinder Marriage, are very many, and of a different Nature; some are drawn from the Civil Law only, and some only from the Canon, and others again from both.

Those which are from both, are the Age of Puberty not yet attain'd, Nearness of Relation, Alliance, Difference of Religion, *Impotence*, either of the Man, or Woman, and the publick Honour.

Those which peculiar to the Civil Law, are the Condition of the Party, if a Slave and is believ'd to be free; Rape, (or Violence) the Power, or Authority that a Man has over a Woman, *Propter periculum Impressionis sive Coactionis*: The Inequality of the Fortune of the Parties, was heretofore consider'd as an Impediment, but that has been since alter'd by the New Civil Law, that is, by the Constitution of latter Emperors † *Jure novissimo inter eas Personas Nuptia non prohibentur.*

Those lastly, which are peculiar to the Canon Law, are of two Sorts; the one make Marriage unlawful and null, such as are, Holy Orders, Solemn Vows, or the Possession of a Religious, or Monastick Life; the other only render it unlawful

† *Novel 78. Cap. 3. Novel. 117. Cap. 6.*

lawful, as a former Contract with another Person, simple Vows, being forbidden by a Superior, the Times forbidden by the Church, Spiritual Affinity, as when a Man contracts with a single Woman, whom he is instructing in the Principles of Religion; Heresie, publick Penance and Crime, by which Term Crime, the Canon Law understands. 1. Incest, 2. When a Man has occasion'd the Death of one Woman to marry another, 3. Killing of a Priest, or Minister, or one in Holy Orders. 4. Marriage before contracting with a Religious Woman or Nunn. But most of these being proper to the Churches of Rome and Greece, do not fall immediately under our Consideration in these Parts.

However, this sufficiently demonstrates that it is not Lawful for every Body to contract Marriage, but amongst all these, *Impotence* is consider'd as one of the Principal, both by the Civil and Canon Law, as I have sufficiently made appear in the Second Part of this Work.

But this Maxim, or Principle, is not peculiar to Contracts of Marriage; it also reaches all manner of Contracts whatsoever, for as, *Edictum Matrimonii est prohibitorium*, so *Edictum Contractum*, is also *Prohibitorium*, that is, every one may contract, who is not prohibited.

But

But some Persons are forbid to contract, or make any Bargain whatsoever, that is, such Contracts, or Bargains shall not be valued, or stand good in Law. 1. Some are incapable by Nature, as Fools, People that are Mad, Prodigal Persons, (who heretofore were planted in the Rank of Madmen) Drunkards, while they are so, Infants, or such as are under Age, Deaf and Dumb People. 2. Some are adjudg'd legally incapable, as the Heirs apparent of Families. The Father to contract with his Son, while he is under his Power, a Wife, a Slave, a Governor of a Province † *Propter periculum Metus & Impressionis*. 3. Some are incapacitated *ab homine* (says the Law) that is, by the Nature of certain Compacts made between Man and Man, for Example, *John Fox*, sells to *Richard Steele*, a Horse, on Condition that he shall not sell it again, or that he shall not sell it, but to such or such a Person: It is not therefore Lawful, according to this Compact, for *Richard Steele*, to sell the Horse to any other Person whatsoever; for in this Case, *John Fox* imposes a Law upon *Richard Steele* (or according to our *English* Laws, the Vender upon the Vendee) *Rei*
L *enim*

† *L. in re Mandata qd. Mandati.*

enim sua quisquis Moderatur, & arbiter Rei sua legem quisquis dicere potest. 4. People cannot contract, by Reason of the Customs of Places; but of this we need not instance any Cases, the whole Customary Laws of *England* is one great and permanent Example.

And it is the same Thing with Men as Things, the Parity is exactly the same; besides there is yet somewhat more worth our Consideration, and that is, that an Impossibility of Performance entirely makes void the Contract. How then shall the Contract of Marriage, made by an Eunuch stand Good, who is in an entire Impossibility to do what he has promis'd, that is, to perform the Functions of Marriage, the End of which, I have more than once sufficiently shewn is Procreation.

C H A P. III.

Third Objection.

AN Eunuch who is capable to perform all the Duties of Marriage, except those which concern Generation, may notwithstanding contract, since it is a Maxim, that it is the Consent of Parties, not Bedding makes a Marriage. *Consensus non Concubitus facit Matrimonium.*

Answer to this Objection.

IT is an old Proverb, that every Man ought to know his own Trade; for it is a Shame to know every Thing but what we ought to know. It is therefore very Ridiculous for any One to pretend to be a good Husband, and to do all the Duties of Marriage, when he is not capable of performing the principal Functions of all. It is not with such a One, as with that Buffoon, whom Cardinal Perron † takes Notice of, when he was at Mantua, the Duke pointing to a Buffoon, told him, there was *Magio Buffone, & non ha Spirito*; the Cardinal

L 2

reply'd,

† *Perr. n. una* p. 44.

reply'd, *questo Buffone ha pertanto dello Spirito*; The Duke ask'd him Why? *Percbe* (says he) *vivie d'uno mestiero che non Sa fare.* But the Trade of a Husband is quite another Thing; he does not live by it at all, if he does not know how to work at it; for in that Occupation there must be no trifling; Work must not be slighted up, but made True and Substantial.

† *Nil ibi per ludum simulabitur, Omnia fent Ad Verum.*

And if this be not effectually done, a Woman suffers very much, and Nights will grow long and tedious.

* *O! nox quam longa es qua facis una senem!*

Witness the Anguish and cold Sweats of poor *Egle*, whom *Martial*, || speaks of, that lay languishing between two comfortable Bedfellows; an old Man, and an Eunuch.

*Cum sene communem vexat Spado Dydimus Eglen
Et jacet in medio sicca puella toro
Viribus hic operi non est, hic utilis annis*
Ergo

† *Juv. Satyr 6. v. 324* * *Ep. 7. lib. 4. || lib. 11. Ep. 82.*

*Ergo sine effectu prurit uterq; prior
Supplex illa rogat pro se miserisq; duobus
Hunc juvenem facias hunc Cytherea Virum.*

It is not therefore in the Practice that we find the Truth of this Maxim, * *Consensus non Concubitus facit Matrimonium*; let us see what we can do in the Theory.

The Civilians make a great Difference between that Consent which is given at the Time of contracting Marriage, or Espousal, and that which is given at the Time of solemnizing those Espousals, or actual Marriage. The first is only a Promise to solemnize, and the latter is a Promise to consummate. *¶ Aliud est (say they) Nuptias contrahere, aliud ad Nuptias contrahendas sese obligare.* The former of these Consents is a Pact or Agreement of future Wedlock, the latter is a Fact of present Marriage. One is a Promise to take a Wife, the other is the Execution of that Promise, a Wife is actually taken. A Promise (say they) first made by Words, is ratified by the Facts and Things themselves. *Promissio prius facta Verbis, rebus ipsis, & factis ratificatur.* And there is as much Difference be-

L 3

tween

* L. 30. ff. de divers. Reg. Jur. *¶* L. si penam ff. de verborum Obligatione.

tween these two Consents, as there is between a Promise and the Execution of that Promise. In one a Man does not consent that he will immediately consummate Marriage, he only promises that he will do it in Time. But in the other a Man is willing to be married that very Instant. *Eo ipso momento maritus serivult & eo animo & destinatione consentit ut fit Matrimonium.* He promises then to consummate; 'tis to the first of these two Cases, this Maxim must be applied.

In short the true Meaning of this Maxim is this, and must be thus applied; that is, it signifies, that simple Cohabitation is not the Essence of Marriage; a Carnal Knowledge is not sufficient to conclude it a Marriage, the mutual Consent of Parties is absolutely necessary: This Consent is not a mutual Consent of two Persons to know each other; but say the Lawyers, *Consensus cobabitandi & individuum vita Consuetudinem retinendi facit Conjugium.* It is not the bare Consent alone, or the Cohabitation alone, that can make it a Marriage, but both together. Besides, the Consent mention'd in the Maxim, is only a Consent which belongs (in the Law Terms) *ad Nuptiarum probationem sed non ad substantiam.* The Intent of that Maxim is not to declare in what Matrimony essentially consists, but to fix the Time of
its

its Beginning, and from what Instant to account it contracted; for lying with one another is no more a Proof of Marriage than lying asunder; or living separate, a Proof of its Nullity or Dissolution. *Non ex Concubitu nuptia probantur sicuti & retro Secubitu Matrimonium non dissociatur seu separatione Thoris aut Cohabitationis.* Such like Unions and Separations conclude Nothing.

There are indeed some Conjectures of more Certainty, by which the Lawyers judge of the Consummation of Marriage, such as are the Ceremonies generally used at such Times, the Opinion of the Neighbourhood, the formal bringing the Woman home to her Husband's House, Marriage Settlements, and such like. *Ex Comparatione Personarum, ex vita Conjunctione, ex Vicinorum Opinione, ex deductione in domum Mariti, ex aqua & ignis acceptatione, ex dotalibus instrumentis seu Tabulis nuptialibus, seu testatione.* And these amongst the Turks make the only Difference between a Wife and a Concubine.

But all this is not the Essence of Marriage; these Ceremonies are only Conjectures, or Proofs, by which one may judge that a Marriage has been contracted between the Parties. If Marriage only consisted in the bare Consent, we may say with the Woman in Ovid,

*Si mos antiquis placuisset matribus idem
 Gens hominum vitio deperitura fuit
 Quique iterum jaceret generis primordia
 nostri
 In vacuo lapides orbe parandus erat.*

CHAP IV.

Fourth Objection.

IN Case a Man cannot be with a Wife like a Husband, yet he may like a Brother, live with her as a Sister.

Answer to this Objection.

THIS Objection is founded upon the Chapter, *Laudabilem est infra*, which contains these Words, if they both consent to live together, the Husband if he cannot have her as a Wife, may at least as a Sister, *quod si ambo consentiant simul esse, Uti etiam & si non ut Uxorem saltem habeat ut Sororem.* The Gloss upon this Word *Ambo*, says expressly, they must both consent, because it being no Marriage, they are not oblig'd to each other, *quia cum nullum sit Matrimonium non tenetur alter a'teri.*

But

But the two following Reflexions will entirely destroy the Objection that is founded upon these Words.

1. The first is, that these Words have Relation to the Leave which is given to a Woman to dissolve her Marriage, after having for some certain time, been well assur'd of her Husband's Impotence, she may then in such Case, make void her Marriage; unless both consent to live together like Brother and Sister; by which it is plain, these Words relate to a Marriage that has been contracted, not to a Marriage, that is to be contracted, and relate to a Man that has been found for some considerable time to be impotent, not to a Eunuch, who is notoriously so, and who by no Aid of Art or Nature, can ever be made capable of Generation.

2. The second Reflexion consists in this, that both Parties must consent to rest upon that footing of Brother and Sister; which shews there is no Union between them, and that the first Consent given to each other, having not produc'd the Effect for which it was given, it is naturally, and *ipso facto* revok'd. That there must be a new one given upon a certain Knowledge of the Party, but then this is no Marriage, but a Union, (if I may so call it) of support, which

can only be Burthensome to the Woman; for in that, the soft Name of Sister cannot make any Recompence for the Loss of the Advantages attending a Wife. When once People are married, they love one another more and more, as being Man and Wife. All Women are of the same Mind with *Biblis* in *Ovid* || they can't abide to be call'd Sister, by a Man who fills the Place of a Husband.

Jam Dominum appellat, jam nomina Sanguinis odit.

Biblida, jam mavult, quam se vocet ille Sororem.

In short, this Objection falls of it self, since it only relates to Marriages contracted with Men, known by Experience to be impotent; and the Question here is, whether an Eunuch known as such, can contract Marriage.

CHAP.

|| *Metamorph. lib. 9. v. 465.*

C H A P. V.

Fifth Objection.

IF Eunuchs ought to be forbidden to marry, because they are incapable of Generation, the same Reason would hold as to old Persons, whose Age has put them into the like Incapacity of performing the Functions of Marriage; and since they are not forbidden, no more ought Eunuchs.

Answer to this Objection.

THIS Objection is founded upon a false Principle, viz. That no one has Right to marry, but those who are capable of Generation, or if the Woman be barren, that then the Marriage ought to be dissolved. This Principle, and the Consequence drawn from it, are so absurd, that the bare Proposal of it is a sufficient Refutation.

If this Objection be not founded upon this Principle, it is yet less supportable. For a Man, unless he turn mere Child, or is afflicted with some capital Distemper, may be capable of getting Children. There are a thousand Examples in the World, of old Men who have got Children at fourscore,

score, or fourscore and ten Years of Age, which is generally the longest Date of Man's Life. So that one may say, that a Man of a good Constitution, may get Children as long as he lives. However, if he be so decrepit that he cannot do any one Function of Marriage, or becomes as an Eunuch, I own then, that if such a Person intends to marry, he would act against the End and Institution of Marriage; and the Civil Magistrate or the Ecclesiastical, would do well to hinder such an Undertaking, and represent to him what *Ajax*, in *Ovid's* *Metamorphosis*, did to *Ulysses*.

Debilitaturum quid Te petis Improbe Munus.

Such a one does like the Male of the *Halcyons*, or *King's Fisher*, who when they are so old they cannot move, embraces his Female and dies.

But if such a Person will marry, in my Opinion it ought to be to a Woman of much the same Age with himself; for the Fire of Youth being extinguished in them both, they would not be in any Apprehension of those Inconveniencies I shall observe in the following Chapter; and it is properly in this Case that a Husband receiving much Help and Assistance from his Wife, may then look upon her as a Sister,

Sister, since neither of them are capable of Issue.

But the principal Reason why old People may marry, and who are reproach'd for so doing, on Account of their Age, is this, that they could once generate, and perhaps have effectually done so in their Youth, they have therefore in them the Faculty of Generation, though they do not procreate in Effect; in them Age is more powerful than Nature, which made them capable. Now we see that Nature has oftentimes its Sallies, or Providence gives them Strength to surmount all Obstacles of Age. * I shall not here insert the Fable of a certain good old Man named *Hircus*, who begg'd of the three Gods that came to visit him, to give him a Son, though she was far advanced in Age, which they accordingly granted him. The Learned are of Opinion, that this was the Story of *Abraham* and *Sarah*, in disguise: But I shall instance a Relation of *Velasco* of *Tarentum*, as a Thing very wonderful, and may be seen in his *Philonium*. This Person, says he, saw a Woman, who had her Menstrua at sixty Years

* *S. Romuald. Thesaur. Histor. & Histor. in solio Tom. 1. p. 93. || Ibid. p. 231.*

Years of Age, and had a Son at the Age of sixty seven.

Mauritius Codeus, in his Commentary upon the first Book of *Hipocrates*, Of the *Distempers of Women*, tells us of a Woman who had her *Menstrua* at seventy Years of Age, and conceiv'd a well shap'd Child, of which she miscarried with the shaking of a Coach.

The Law *Si Major* in the *Code de legitim.* *Hered.* makes mention of a Woman that had a Child after fifty Years of Age. *Cornelia*, of whom *Pliny* takes Notice, was brought to Bed of *Volusus Saturninus* (afterwards Consul) when she was past threescore and two Years old; and the learned *Foubert* says positively, that a Woman, who was married to a Cutler in the Town of *Avignon*, call'd, *Andrew*, who was then Servant to Cardinal *Foyeuse*, who continu'd to bear Children till she was seventy Years Old.

But if Nature cannot surmount these Obstacles, God, who is the Lord of Nature, very often does; in giving Women Children, at an Age when they could entertain no Hopes of having any. *Sarah*, and *Hanah* the Mother of *Samuel*, are Examples of this Truth in the Holy Scripture; *He maketh the barren Woman*
to

to keep House (says the Royal Psalmist, and to be a joyful Mother of Children, and Experience has so often shewn this that it is impossible to doubt of it.

There is then a great Deal of Difference between the Marriage of old Men and Eunuchs. God often makes use of human Means to work Miracles. Persons advanc'd in Years may be made use of as Instruments to shew God's Power, but Eunuchs never can. In that, Eunuchs being neither naturally nor supernaturally capable to get Children, are by Consequence, in no Manner capable, nor worthy of being married.

CHAP. VI.

Sixth Objection.

IF a Woman that is about to marry, knows that her intended Husband is an Eunuch, and is not ignorant of the Consequences; then in that Case she may lawfully marry him, because it is a Maxim in Law, that there is no Injury to those that are willing; *Volenti non fit Injuria.*

Answer to th's Objection.

THIS Maxim, *Volenti non fit Injuria*, is held both by the Civil, and Canon Law; as when a Person sells a Man's Son, who is willing to be sold, then in that Case, the Father may have his Action at Law, *de Injuria* in his own Name, but the Son cannot in his Name, because he was willing, and *Volenti non fit Injuria*. The Words of the Civil Law are these, viz. * *Usq; adeo autem injuria quæ fit liberis nostris, nostrum pudorem*

* L. 1.

dorem pertingit, ut etiam si vo'entem filium quis vendiderit, patri suo quidem nomine competit Injuriarum actio, filii vero nomine non competit, quæ nulla injuria est quæ in volentem fiat. And the Canon Law says, scienti & consentienti non fit Injuria, and this is taken from the Law de diversis Regulis Juris, which says that no one shall be esteem'd to defraud any one that knows and consents to it, Nemo videtur fraudare eos qui sciunt & consentiunt, and is in some Sort explain'd by the * Si intelligatur 6. De Ædilitio Edicto. Si intelligatur Vitium, Morbus quæ mancipii ut plerumq; signis quibusdam solent demonstrare vitia, potest dici Edictum cessare, hoc enim tantum intuentum est ne Emptor decipiatur.

Now to conclude, that a Woman is cheated and defrauded willingly and by her own Consent, it must clearly be made appear that she was neither induced nor seduced, that she knew all the Defects peculiar to Eunuchs, and the Inconveniences she is to suffer; and except all this be, she is cheated by Surprise, and not willingly: Besides, a Woman ought to be well assured of her Continence and Chastity; that

* Usq; adeo 5 ff. de Injuriis & famos. Libellis. lib. 47. tit. 10. Sexti. Decret. lib. 5. Tit. de Reg. Jur. Reg. 25.

that she be well acquainted with what an Eunuch is, and the Inconveniencies attending such a Marriage, will very often put both these two Virtues to their utmost Proof; and she must be assured she can bear up under those severe Conflicts, without all this, supposing that *Volenti non fit injuria*, yet neither the Civil nor Ecclesiastical Powers ought to suffer her to be exposed to Temptation, and put her self in evident Danger of committing Sin, as I shall make appear at the End of this Chapter, and by Consequence ought not to let her marry. And in this Case the Objection falls to the Ground.

There are other Exceptions to this general Rule, which the Lawyers take Notice of, for Example, *si quis Puellam + volentem rapuerit, si quis volentem si ium intervertat, si quis volentem servum corrumpat*, and the like.

The true Sense of this Maxim is, that a Person who has consented to the Injury done to himself, cannot have his Action against the Person that did him that Injury by his own Consent. We see now what Application can be made of this Maxim, in relation to Eunuchs Marriages. When a Marriage is declared Null on Account

+ Novet. 22. Cap. per Occasionem 6.

count of the Impotence of the Husband, he is not only obliged to give back her Fortune and pay her Damages; but she by no Means obliged to return him the Rings and other Presents he made to her. But if she knew before Marriage, that he was impotent, even in that Case she may make void the Marriage, or rather have it declared null. But cannot have her Action against him for Damages, *Volenti non facta fuit injuria*. And one may with Reason Reproach such a one in the Words of *Horace*.

* *Prudens emisisti vitiosum dicta tibi est lex
Insequeris tamen hunc & lite moraris in-
qua.*

And this Law is received all over the World,

But to answer solidly this Objection, and to which there can be made no manner of Reply, I can make use of Nothing better than the Words of the learned *Cyprus*, as contain'd in the 41, and 42, of the 13th Paragraph of the 9th Chapter, of his most excellent Work, *de Jure Connubiorum*, and which will effectually

* *Lib. 2. Epist. 2. v. 18.*

effectually answer this Objection, and at the same time, put a handsome Conclusion to this Chapter and this Treatise, both together.

Queritur si mulier spadoni vel Eunucho fidem dederit non ignara cum hoc vitio affectum, vel post Sponsalia resciverit eum Virum non esse, & nihilominus nuptias consummare cupiat, id ei concedendum? Et si quidem confiterit eum ad Commixtionem conjugalem inhabilem esse nuptiis illi interdendum, & sponsalia dissolvenda existimaverim.

1. Quod lege Divinâ spadones prohibenter mariti fieri, Itaque nec illis mulieres nubere possunt.

2. Quod & Imperatorum constitutionibus vetitum est.

3. Quod ejusmodi Conjugium Benedictionis non sit capax.

4. Quod nulla istarum causarum propter quas Conjugium a Deo institutum est, hic locum habeat.

5. Propter periculum ne Mulier alibi amoris operum dare incipiat (ut est natura hominum proclivis ad libidinem) & conjugio cuius usum nullum habere potest, pro Velamento turpitudinis utatur. Nec ad rem facit quod Mulier sciens volens nuptias illas cupiat, Nam

in re tanti Momenti Magistratus est
partibus consulere, qui suis Commodis
consulere non possunt, cum perire volens
audiendus non sit. Nam verendum est,
ut dixi, ne mulier ejus pertæsa conjun-
ctionis alium portum querat quo sese
recipiat, ut *Theogindis* verbis utar.
Quibus incommodis Magistratum me-
dere oportet usq; adeo ut etsi de viri
vitio aut morbo non queratur Uxor,
nihilominus hifce nuptiis intercedere
debeat.

Sed quid si mulier sciens volens spa-
doni nupserit, & Matrimonium consum-
matum sit; Resp; sibi imputare debet,
quæ ei quem sui Virum non esse nupserit,
Interim tamen Matrimonium *ἀγαθὸν*
ἡδύ id est pro nullo habendum est,
ut quod contra leges inter eas Personas
coierit, qui matrimonio jungi non pos-
sunt. Qua de Causa etiam si eam facti
non peniteat, nihilominus a Viro disce-
dere debere, & si nolit segregandam
esse existimaverim. Neq; enim Mu-
lier prava & legibus prohibita, suâ
Conniventia recta officere potest. Et
Conjugium confirmatur officio Carnali,
verum antequam confirmetur, impossi-
bilitas Officii solvit vinculum conjugii,
33 Quest. I Cap. I. Verba Augustini.
Quamvis contra sentiat Papa Alexander
vel

vel ut alii volunt, Lucius cap. *Requiescit* 33 Quest. prima qui vult eas quæ pro Uxore haberi non possunt, pro Sororibus habendas, quod vix est, ut defendi possit idq; propter illas quas commemoravimus Causas.

The Question is, if a *Woman* has given her Promise to an *Eunuch*, knowing him to have that Defect, or after her Marriage shall discover that he is no Man, and yet still shall desire a Consummation of the Nuptials, whether such a Request is to be allow'd? and if it shall appear that he is unable for Conjugal Mixture, the Marriage is to be dissolved in my Opinion, for these Reasons.

1st, Because by the Law of God, Eunuchs are prohibited from becoming Husbands, and therefore no Woman can marry them.

2dly, That it is forbid by the Imperial Constitutions and Laws.

3dly, That such a Marriage is not capable of any Blessing.

4thly, Because none of those Reasons, for which Matrimony was instituted by God, can take Place in this Case.

5thly, For Fear the Woman should transfer her Love to another, (as the Nature of our whole Species is inclinable to Lust) and so make the Marriage, of which she can have no Use, a Veil and

Cover

Cover for her own vicious Practices. Neither is it to the Purpose, to say the Woman contracted this Marriage knowingly or wittingly, for in a Case of so great Importance, it is the Duty of the Magistrate to consult for the Parties, who cannot consult their own Good; and they are no more to follow their own Humour, than a Person is who would destroy himself. For it is to be fear'd, as I before said, the Woman, wearied with such an Union, may look out, in the Words of *Theogini*, for another Harbour. All which Inconveniencies, it is the Magistrates Business to prevent, so that altho' the Woman should not complain of this Defect, yet he ought to interpose and prevent the Nuptials.

But that if a Woman knowingly, and willingly, should marry an *Eunuch*, and the Marriage is consummated, the Common-wealth ought to bear the Blame, who suffer'd a Marriage of this Kind. In the mean time the Marriage is a *Marriage*, and *no Marriage*, because it was contracted between such Persons, who according to the Laws are not allow'd to marry, upon which Account, altho' the Woman does not repent of the Action, yet she ought to depart from the Man, and if she will not, it is my Opinion she shall be forc'd to separate; because

a perverse Woman, and one prohibited by the Laws, cannot fulfill that Office by herself, and the Confirmation of Matrimony, is by the carnal Office, but before the Confirmation commences, the Impossibility of doing that Office breaks the Tye of Matrimony; which are St. *Austin's* Words, the 33d Question, Chap. 1st. Although Pope *Alexander*, or as others would have it, *Lucius* upon the 33d Question in the Chapter *Requiesci*, would have those, who cannot be accounted as Man and Wife, to be accounted as Sisters, which is almost impossible to be defended, and that for those Reasons we before mention'd.

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